
By: Delegates Montague and Preis

Introduced and read first time: February 21, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Adoption Act**

3 FOR the purpose of adopting the Maryland Uniform Adoption Act; specifying the
4 general procedure for the adoption of minors; providing for the adoption of a minor
5 stepchild by a stepparent; providing for the adoption of adults and emancipated
6 minors; providing for the safekeeping of records of adoption proceedings; specifying
7 prohibited and permissible activities in connection with adoption; and generally
8 relating to the Maryland Uniform Adoption Act.

9 BY renumbering

10 Article - Family Law
11 Section 5-401 through 5-415 and the subtitle "Subtitle 4. Adoption Subsidy Act",
12 respectively
13 to be Section 16-901 through 16-915 and the subtitle "Subtitle 9. Adoption Subsidy
14 Act", respectively
15 Annotated Code of Maryland
16 (1991 Replacement Volume and 1996 Supplement)

17 BY repealing

18 Article - Family Law
19 Section 5-301 through 5-330, inclusive, and the subtitle "Subtitle 3. Adoption and
20 Guardianship With the Right to Consent to Adoption"; 5-4A-01 through
21 5-4A-07, inclusive, and the subtitle "Subtitle 4A. Mutual Consent Voluntary
22 Adoption Registry"
23 Annotated Code of Maryland
24 (1991 Replacement Volume and 1996 Supplement)

25 BY adding to

26 Article - Family Law
27 Section 16-101 through 16-804, to be under the new title "Title 16. Maryland
28 Uniform Adoption Act"
29 Annotated Code of Maryland
30 (1991 Replacement Volume and 1996 Supplement)

31 BY repealing and reenacting, with amendments,

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1 Article - Family Law
2 Section 16-901
3 Annotated Code of Maryland
4 (1991 Replacement Volume and 1996 Supplement)
5 (As enacted by Section 1 of this Act)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That Section(s) 5-401 through 5-415 and the subtitle "Subtitle 4.
8 Adoption Subsidy Act", respectively, of Article - Family Law of the Annotated Code of
9 Maryland be renumbered to be Section(s) 16-901 through 16-915 and the subtitle
10 "Subtitle 9. Adoption Subsidy Act", respectively.

11 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-301 through
12 5-330 and the subtitle "Subtitle 3. Adoption and Guardianship With the Right to Consent
13 to Adoption"; and 5-4A-01 through 5-4A-07 and the subtitle "Subtitle 4A. Mutual
14 Consent Voluntary Adoption Registry" of Article - Family Law of the Annotated Code of
15 Maryland be repealed.

16 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
17 read as follows:

18 **Article - Family Law**

19 TITLE 16. MARYLAND UNIFORM ADOPTION ACT.

20 SUBTITLE 1. GENERAL PROVISIONS.

21 16-101.

22 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

23 (B) "ADOPTEE" MEANS AN INDIVIDUAL WHO IS ADOPTED OR IS TO BE
24 ADOPTED.

25 (C) "ADULT" MEANS AN INDIVIDUAL WHO HAS ATTAINED 18 YEARS OF AGE.

26 (D) "AGENCY" MEANS A PUBLIC OR PRIVATE ENTITY, INCLUDING THE
27 DEPARTMENT, THAT IS AUTHORIZED BY THE LAW OF THIS STATE TO PLACE
28 INDIVIDUALS FOR ADOPTION.

29 (E) "CHILD" MEANS A MINOR OR ADULT SON OR DAUGHTER, BY BIRTH OR
30 ADOPTION.

31 (F) "COURT", WITH REFERENCE TO A COURT OF THIS STATE, MEANS THE
32 DISTRICT COURT OR A CIRCUIT COURT IN THIS STATE.

33 (G) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

34 (H) "GUARDIAN" MEANS AN INDIVIDUAL, OTHER THAN A PARENT,
35 APPOINTED BY AN APPROPRIATE COURT AS GENERAL GUARDIAN OR GUARDIAN OF
36 THE PERSON OF A MINOR.

1 (I) "LEGAL CUSTODY" MEANS THE RIGHT AND DUTY TO EXERCISE
2 CONTINUING GENERAL SUPERVISION OF A MINOR AS AUTHORIZED BY LAW. THE
3 TERM INCLUDES THE RIGHT AND DUTY TO PROTECT, EDUCATE, NURTURE, AND
4 DISCIPLINE THE MINOR AND TO PROVIDE THE MINOR WITH FOOD, CLOTHING,
5 SHELTER, MEDICAL CARE, AND A SUPPORTIVE ENVIRONMENT.

6 (J) "MINOR" MEANS AN INDIVIDUAL WHO HAS NOT ATTAINED 18 YEARS OF
7 AGE.

8 (K) "PARENT" MEANS AN INDIVIDUAL WHO IS LEGALLY RECOGNIZED AS A
9 MOTHER OR FATHER OR WHOSE CONSENT TO THE ADOPTION OF A MINOR IS
10 REQUIRED UNDER § 16-220(A)(1) OF THIS TITLE. THE TERM DOES NOT INCLUDE AN
11 INDIVIDUAL WHOSE PARENTAL RELATIONSHIP TO A CHILD HAS BEEN TERMINATED
12 JUDICIALLY OR BY OPERATION OF LAW.

13 (L) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
14 COMPANY, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, ASSOCIATION, AGENCY,
15 JOINT VENTURE, GOVERNMENT, GOVERNMENTAL SUBDIVISION OR
16 INSTRUMENTALITY, PUBLIC CORPORATION, OR ANY OTHER LEGAL OR
17 COMMERCIAL ENTITY.

18 (M) "PHYSICAL CUSTODY" MEANS THE PHYSICAL CARE AND SUPERVISION OF
19 A MINOR.

20 (N) "PLACE FOR ADOPTION" MEANS TO SELECT A PROSPECTIVE ADOPTIVE
21 PARENT FOR A MINOR AND TRANSFER PHYSICAL CUSTODY OF THE MINOR TO THE
22 PROSPECTIVE ADOPTIVE PARENT.

23 (O) "RELATIVE" MEANS A GRANDPARENT, GREAT GRANDPARENT, SIBLING,
24 FIRST COUSIN, AUNT, UNCLE, GREAT-AUNT, GREAT-UNCLE, NIECE, OR NEPHEW OF
25 AN INDIVIDUAL, WHETHER RELATED TO THE INDIVIDUAL BY THE WHOLE OR THE
26 HALF BLOOD, AFFINITY, OR ADOPTION. THE TERM DOES NOT INCLUDE AN
27 INDIVIDUAL'S STEPPARENT.

28 (P) "RELINQUISHMENT" MEANS THE VOLUNTARY SURRENDER TO AN
29 AGENCY BY A MINOR'S PARENT OR GUARDIAN, FOR PURPOSES OF THE MINOR'S
30 ADOPTION, OF THE RIGHTS OF THE PARENT OR GUARDIAN WITH RESPECT TO THE
31 MINOR, INCLUDING LEGAL AND PHYSICAL CUSTODY OF THE MINOR.

32 (Q) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
33 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, OR ANY TERRITORY OR
34 INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

35 (R) "STEPPARENT" MEANS AN INDIVIDUAL WHO IS THE SPOUSE OR
36 SURVIVING SPOUSE OF A PARENT OF A CHILD BUT WHO IS NOT A PARENT OF THE
37 CHILD.

38 16-102.

39 SUBJECT TO THIS TITLE, ANY INDIVIDUAL MAY ADOPT OR BE ADOPTED BY
40 ANOTHER INDIVIDUAL FOR THE PURPOSE OF CREATING THE RELATIONSHIP OF
41 PARENT AND CHILD BETWEEN THEM.

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1 16-103.

2 THE NAME OF AN ADOPTEE DESIGNATED IN A DECREE OF ADOPTION TAKES
3 EFFECT AS SPECIFIED IN THE DECREE.

4 16-104.

5 AFTER A DECREE OF ADOPTION BECOMES FINAL, EACH ADOPTIVE PARENT
6 AND THE ADOPTEE HAVE THE LEGAL RELATIONSHIP OF PARENT AND CHILD AND
7 HAVE ALL THE RIGHTS AND DUTIES OF THAT RELATIONSHIP.

8 16-105.

9 EXCEPT AS OTHERWISE PROVIDED IN § 16-403 OF THIS TITLE, WHEN A DECREE
10 OF ADOPTION BECOMES FINAL:

11 (1) THE LEGAL RELATIONSHIP OF PARENT AND CHILD BETWEEN EACH
12 OF THE ADOPTEE'S FORMER PARENTS AND THE ADOPTEE TERMINATES, EXCEPT
13 FOR A FORMER PARENT'S DUTY TO PAY ARREARAGES FOR CHILD SUPPORT; AND

14 (2) ANY PREVIOUS COURT ORDER FOR VISITATION OR
15 COMMUNICATION WITH AN ADOPTEE TERMINATES.

16 16-106.

17 A DECREE OF ADOPTION DOES NOT AFFECT ANY RIGHT OR BENEFIT VESTED
18 IN THE ADOPTEE BEFORE THE DECREE BECOMES FINAL.

19 16-107.

20 A PROCEEDING UNDER THIS TITLE WHICH PERTAINS TO AN INDIAN CHILD, AS
21 DEFINED IN THE INDIAN CHILD WELFARE ACT, 25 U.S.C. SECTIONS 1901 ET SEQ., IS
22 SUBJECT TO THAT ACT.

23 16-108.

24 A DECREE OR ORDER OF ADOPTION ISSUED BY A COURT OF ANY OTHER
25 STATE WHICH IS ENTITLED TO FULL FAITH AND CREDIT IN THIS STATE, OR A
26 DECREE OR ORDER OF ADOPTION ENTERED BY A COURT OR ADMINISTRATIVE
27 ENTITY IN ANOTHER COUNTRY ACTING PURSUANT TO THAT COUNTRY'S LAW OR TO
28 ANY CONVENTION OR TREATY ON INTERCOUNTRY ADOPTION WHICH THE UNITED
29 STATES HAS RATIFIED, HAS THE SAME EFFECT AS A DECREE OR ORDER OF
30 ADOPTION ISSUED BY A COURT OF THIS STATE. THE RIGHTS AND OBLIGATIONS OF
31 THE PARTIES AS TO MATTERS WITHIN THE JURISDICTION OF THIS STATE MUST BE
32 DETERMINED AS THOUGH THE DECREE OR ORDER WERE ISSUED BY A COURT OF
33 THIS STATE.

34 SUBTITLE 2. ADOPTION OF MINORS.

35 PART I. PLACEMENT OF MINORS FOR ADOPTION.

36 16-201.

37 (A) THE ONLY PERSONS WHO MAY PLACE A MINOR FOR ADOPTION ARE:

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1 (1) A PARENT HAVING LEGAL AND PHYSICAL CUSTODY OF THE MINOR,
2 AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION;

3 (2) A GUARDIAN EXPRESSLY AUTHORIZED BY THE COURT TO PLACE
4 THE MINOR FOR ADOPTION;

5 (3) AN AGENCY TO WHICH THE MINOR HAS BEEN RELINQUISHED FOR
6 PURPOSES OF ADOPTION; OR

7 (4) AN AGENCY EXPRESSLY AUTHORIZED TO PLACE THE MINOR FOR
8 ADOPTION BY A COURT ORDER TERMINATING THE RELATIONSHIP BETWEEN THE
9 MINOR AND THE MINOR'S PARENT OR GUARDIAN.

10 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
11 A PARENT HAVING LEGAL AND PHYSICAL CUSTODY OF A MINOR MAY PLACE THE
12 MINOR FOR ADOPTION, EVEN IF THE OTHER PARENT HAS NOT EXECUTED A
13 CONSENT OR A RELINQUISHMENT OR THE OTHER PARENT'S RELATIONSHIP TO THE
14 MINOR HAS NOT BEEN TERMINATED.

15 (C) A PARENT HAVING LEGAL AND PHYSICAL CUSTODY OF A MINOR MAY
16 NOT PLACE THE MINOR FOR ADOPTION IF THE OTHER PARENT HAS LEGAL
17 CUSTODY OR A RIGHT OF VISITATION WITH THE MINOR AND THAT PARENT'S
18 WHEREABOUTS ARE KNOWN, UNLESS THAT PARENT AGREES IN WRITING TO THE
19 PLACEMENT OR, BEFORE THE PLACEMENT, THE PARENT WHO INTENDS TO PLACE
20 THE MINOR SENDS NOTICE OF THE INTENDED PLACEMENT BY CERTIFIED MAIL TO
21 THE OTHER PARENT'S LAST KNOWN ADDRESS.

22 (D) AN AGENCY AUTHORIZED UNDER THIS TITLE TO PLACE A MINOR FOR
23 ADOPTION MAY PLACE THE MINOR FOR ADOPTION, EVEN IF ONLY ONE PARENT HAS
24 EXECUTED A RELINQUISHMENT OR HAS HAD HIS OR HER PARENTAL RELATIONSHIP
25 TO THE MINOR TERMINATED.

26 16-202.

27 (A) A PARENT OR GUARDIAN AUTHORIZED TO PLACE A MINOR DIRECTLY
28 FOR ADOPTION MAY PLACE THE MINOR ONLY WITH A PROSPECTIVE ADOPTIVE
29 PARENT FOR WHOM A FAVORABLE PREPLACEMENT EVALUATION HAS BEEN
30 PREPARED PURSUANT TO §§ 16-209 THROUGH 16-214 OF THIS SUBTITLE OR FOR
31 WHOM A PREPLACEMENT EVALUATION IS NOT REQUIRED UNDER § 16-209(B) OR (C).

32 (B) A PARENT OR GUARDIAN SHALL PERSONALLY SELECT A PROSPECTIVE
33 ADOPTIVE PARENT FOR THE DIRECT PLACEMENT OF A MINOR. SUBJECT TO
34 SUBTITLE 7 OF THIS TITLE, THE PARENT OR GUARDIAN MAY BE ASSISTED BY
35 ANOTHER PERSON, INCLUDING A LAWYER, HEALTH CARE PROVIDER, OR AGENCY,
36 IN LOCATING OR TRANSFERRING LEGAL AND PHYSICAL CUSTODY OF THE MINOR
37 TO A PROSPECTIVE ADOPTIVE PARENT.

38 (C) A PROSPECTIVE ADOPTIVE PARENT SHALL FURNISH A COPY OF THE
39 PREPLACEMENT EVALUATION TO THE PARENT OR GUARDIAN AND MAY PROVIDE
40 ADDITIONAL INFORMATION REQUESTED BY THE PARENT OR GUARDIAN. THE
41 EVALUATION AND ANY ADDITIONAL INFORMATION MUST BE EDITED TO EXCLUDE
42 IDENTIFYING INFORMATION, BUT INFORMATION IDENTIFYING A PROSPECTIVE

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1 ADOPTIVE PARENT NEED NOT BE EDITED IF THE INDIVIDUAL AGREES TO ITS
2 DISCLOSURE. SUBJECT TO SUBTITLE 7 OF THIS TITLE, A PROSPECTIVE ADOPTIVE
3 PARENT MAY BE ASSISTED BY ANOTHER PERSON IN LOCATING A MINOR WHO IS
4 AVAILABLE FOR ADOPTION.

5 (D) IF A CONSENT TO A MINOR'S ADOPTION IS NOT EXECUTED AT THE TIME
6 THE MINOR IS PLACED FOR ADOPTION, THE PARENT OR GUARDIAN WHO PLACES
7 THE MINOR SHALL FURNISH TO THE PROSPECTIVE ADOPTIVE PARENT A SIGNED
8 WRITING STATING THAT THE TRANSFER OF PHYSICAL CUSTODY IS FOR PURPOSES
9 OF ADOPTION AND THAT THE PARENT OR GUARDIAN HAS BEEN INFORMED OF THE
10 PROVISIONS OF THIS TITLE RELEVANT TO PLACEMENT FOR ADOPTION, CONSENT,
11 RELINQUISHMENT, AND TERMINATION OF PARENTAL RIGHTS. THE WRITING MUST
12 AUTHORIZE THE PROSPECTIVE ADOPTIVE PARENT TO PROVIDE SUPPORT AND
13 MEDICAL AND OTHER CARE FOR THE MINOR PENDING EXECUTION OF THE
14 CONSENT WITHIN A TIME SPECIFIED IN THE WRITING. THE PROSPECTIVE ADOPTIVE
15 PARENT SHALL ACKNOWLEDGE IN A SIGNED WRITING RESPONSIBILITY FOR THE
16 MINOR'S SUPPORT AND MEDICAL AND OTHER CARE AND FOR RETURNING THE
17 MINOR TO THE CUSTODY OF THE PARENT OR GUARDIAN IF THE CONSENT IS NOT
18 EXECUTED WITHIN THE TIME SPECIFIED.

19 (E) A PERSON WHO PROVIDES SERVICES WITH RESPECT TO DIRECT
20 PLACEMENTS FOR ADOPTION SHALL FURNISH TO AN INDIVIDUAL WHO INQUIRES
21 ABOUT THE PERSON'S SERVICES A WRITTEN STATEMENT OF THE PERSON'S
22 SERVICES AND A SCHEDULE OF FEES.

23 16-203.

24 (A) AN AGENCY AUTHORIZED TO PLACE A MINOR FOR ADOPTION SHALL
25 FURNISH TO AN INDIVIDUAL WHO INQUIRES ABOUT ITS SERVICES A WRITTEN
26 STATEMENT OF ITS SERVICES, INCLUDING THE AGENCY'S PROCEDURE FOR
27 SELECTING A PROSPECTIVE ADOPTIVE PARENT FOR A MINOR AND A SCHEDULE OF
28 ITS FEES.

29 (B) AN AGENCY THAT PLACES A MINOR FOR ADOPTION SHALL AUTHORIZE
30 IN WRITING THE PROSPECTIVE ADOPTIVE PARENT TO PROVIDE SUPPORT AND
31 MEDICAL AND OTHER CARE FOR THE MINOR PENDING ENTRY OF A DECREE OF
32 ADOPTION. THE PROSPECTIVE ADOPTIVE PARENT SHALL ACKNOWLEDGE IN
33 WRITING RESPONSIBILITY FOR THE MINOR'S SUPPORT AND MEDICAL AND OTHER
34 CARE.

35 (C) UPON REQUEST BY A PARENT WHO HAS RELINQUISHED A MINOR CHILD
36 PURSUANT TO PART IV OF THIS SUBTITLE, THE AGENCY SHALL PROMPTLY INFORM
37 THE PARENT AS TO WHETHER THE MINOR HAS BEEN PLACED FOR ADOPTION,
38 WHETHER A PETITION FOR ADOPTION HAS BEEN GRANTED, DENIED, OR
39 WITHDRAWN, AND, IF THE PETITION WAS NOT GRANTED, WHETHER ANOTHER
40 PLACEMENT HAS BEEN MADE.

41 16-204.

42 (A) AN AGENCY MAY PLACE A MINOR FOR ADOPTION ONLY WITH AN
43 INDIVIDUAL FOR WHOM A FAVORABLE PREPLACEMENT EVALUATION HAS BEEN

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1 PREPARED PURSUANT TO §§ 16-209 THROUGH 16-214 OF THIS SUBTITLE. PLACEMENT
2 MUST BE MADE:

3 (1) IF THE AGENCY HAS AGREED TO PLACE THE MINOR WITH A
4 PROSPECTIVE ADOPTIVE PARENT SELECTED BY THE PARENT OR GUARDIAN, WITH
5 THE INDIVIDUAL SELECTED BY THE PARENT OR GUARDIAN; OR

6 (2) IF THE AGENCY HAS NOT SO AGREED, WITH AN INDIVIDUAL
7 SELECTED BY THE AGENCY IN ACCORDANCE WITH THE BEST INTEREST OF THE
8 MINOR.

9 (B) IN DETERMINING THE BEST INTEREST OF THE MINOR UNDER
10 SUBSECTION (A)(2) OF THIS SECTION, THE AGENCY SHALL CONSIDER THE
11 FOLLOWING INDIVIDUALS IN ORDER OF PREFERENCE:

12 (1) AN INDIVIDUAL WHO HAS PREVIOUSLY ADOPTED A SIBLING OF THE
13 MINOR AND WHO MAKES A WRITTEN REQUEST TO ADOPT THE MINOR;

14 (2) AN INDIVIDUAL WITH CHARACTERISTICS REQUESTED BY A PARENT
15 OR GUARDIAN, IF THE AGENCY AGREES TO COMPLY WITH THE REQUEST AND
16 LOCATES THE INDIVIDUAL WITHIN A TIME AGREED TO BY THE PARENT OR
17 GUARDIAN AND THE AGENCY;

18 (3) AN INDIVIDUAL WHO HAS HAD PHYSICAL CUSTODY OF THE MINOR
19 FOR 6 MONTHS OR MORE WITHIN THE PRECEDING 24 MONTHS OR FOR HALF OF THE
20 MINOR'S LIFE, WHICHEVER IS LESS, AND MAKES A WRITTEN REQUEST TO ADOPT
21 THE MINOR;

22 (4) A RELATIVE WITH WHOM THE MINOR HAS ESTABLISHED A POSITIVE
23 EMOTIONAL RELATIONSHIP AND WHO MAKES A WRITTEN REQUEST TO ADOPT THE
24 MINOR; AND

25 (5) ANY OTHER INDIVIDUAL SELECTED BY THE AGENCY.

26 (C) UNLESS NECESSARY TO COMPLY WITH A REQUEST UNDER SUBSECTION
27 (B)(2) OF THIS SECTION, AN AGENCY MAY NOT DELAY OR DENY A MINOR'S
28 PLACEMENT FOR ADOPTION SOLELY ON THE BASIS OF THE MINOR'S RACE,
29 NATIONAL ORIGIN, OR ETHNIC BACKGROUND. A GUARDIAN AD LITEM OF A MINOR
30 OR AN INDIVIDUAL WITH A FAVORABLE PREPLACEMENT EVALUATION WHO MAKES
31 A WRITTEN REQUEST TO AN AGENCY TO ADOPT THE MINOR MAY MAINTAIN AN
32 ACTION OR PROCEEDING FOR EQUITABLE RELIEF AGAINST AN AGENCY THAT
33 VIOLATES THIS SUBSECTION.

34 (D) IF PRACTICABLE AND IN THE BEST INTEREST OF MINORS WHO ARE
35 SIBLINGS, AN AGENCY SHALL PLACE SIBLINGS WITH THE SAME PROSPECTIVE
36 ADOPTIVE PARENT SELECTED IN ACCORDANCE WITH SUBSECTIONS (A) THROUGH
37 (C) OF THIS SECTION.

38 (E) IF AN AGENCY PLACES A MINOR PURSUANT TO SUBSECTION (A)(2) OF
39 THIS SECTION, AN INDIVIDUAL DESCRIBED IN SUBSECTION (B)(3) OF THIS SECTION
40 MAY COMMENCE AN ACTION OR PROCEEDING WITHIN 30 DAYS AFTER THE
41 PLACEMENT TO CHALLENGE THE AGENCY'S PLACEMENT. IF THE INDIVIDUAL

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1 PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT THE MINOR HAS
2 SUBSTANTIAL EMOTIONAL TIES TO THE INDIVIDUAL AND THAT AN ADOPTIVE
3 PLACEMENT OF THE MINOR WITH THE INDIVIDUAL WOULD BE IN THE BEST
4 INTEREST OF THE MINOR, THE COURT SHALL PLACE THE MINOR WITH THE
5 INDIVIDUAL.

6 16-205.

7 AN AGENCY RECEIVING PUBLIC FUNDS PURSUANT TO TITLE IV-E OF THE
8 FEDERAL ADOPTION ASSISTANCE AND CHILD WELFARE ACT, 42 U.S.C. SECTIONS 670
9 ET SEQ., OR PURSUANT TO THE STATE'S ADOPTION SUBSIDY PROGRAM, SHALL
10 MAKE A DILIGENT SEARCH FOR AND ACTIVELY RECRUIT PROSPECTIVE ADOPTIVE
11 PARENTS FOR MINORS IN THE AGENCY'S CUSTODY WHO ARE ENTITLED TO
12 FUNDING FROM THOSE SOURCES AND WHO ARE DIFFICULT TO PLACE FOR
13 ADOPTION BECAUSE OF A SPECIAL NEED AS DESCRIBED IN THE APPLICABLE LAW
14 ON MINORS WITH SPECIAL NEEDS. THE DEPARTMENT SHALL PRESCRIBE THE
15 PROCEDURE FOR RECRUITING PROSPECTIVE ADOPTIVE PARENTS PURSUANT TO
16 THIS SECTION.

17 16-206.

18 (A) AS EARLY AS PRACTICABLE BEFORE A PROSPECTIVE ADOPTIVE PARENT
19 ACCEPTS PHYSICAL CUSTODY OF A MINOR, A PERSON PLACING THE MINOR FOR
20 ADOPTION SHALL FURNISH TO THE PROSPECTIVE ADOPTIVE PARENT A WRITTEN
21 REPORT CONTAINING ALL OF THE FOLLOWING INFORMATION REASONABLY
22 AVAILABLE FROM ANY PERSON WHO HAS HAD LEGAL OR PHYSICAL CUSTODY OF
23 THE MINOR OR WHO HAS PROVIDED MEDICAL, PSYCHOLOGICAL, EDUCATIONAL, OR
24 SIMILAR SERVICES TO THE MINOR:

25 (1) A CURRENT MEDICAL AND PSYCHOLOGICAL HISTORY OF THE
26 MINOR, INCLUDING AN ACCOUNT OF THE MINOR'S PRENATAL CARE, MEDICAL
27 CONDITION AT BIRTH, ANY DRUG OR MEDICATION TAKEN BY THE MINOR'S
28 MOTHER DURING PREGNANCY, ANY SUBSEQUENT MEDICAL, PSYCHOLOGICAL, OR
29 PSYCHIATRIC EXAMINATION AND DIAGNOSIS, ANY PHYSICAL, SEXUAL, OR
30 EMOTIONAL ABUSE SUFFERED BY THE MINOR, AND A RECORD OF ANY
31 IMMUNIZATIONS AND HEALTH CARE RECEIVED WHILE IN FOSTER OR OTHER CARE;

32 (2) RELEVANT INFORMATION CONCERNING THE MEDICAL AND
33 PSYCHOLOGICAL HISTORY OF THE MINOR'S GENETIC PARENTS AND RELATIVES,
34 INCLUDING ANY KNOWN DISEASE OR HEREDITARY PREDISPOSITION TO DISEASE,
35 ANY ADDICTION TO DRUGS OR ALCOHOL, THE HEALTH OF THE MINOR'S MOTHER
36 DURING HER PREGNANCY, AND THE HEALTH OF EACH PARENT AT THE MINOR'S
37 BIRTH;

38 (3) RELEVANT INFORMATION CONCERNING THE SOCIAL HISTORY OF
39 THE MINOR AND THE MINOR'S PARENTS AND RELATIVES, INCLUDING:

40 (I) THE MINOR'S ENROLLMENT AND PERFORMANCE IN SCHOOL,
41 RESULTS OF EDUCATIONAL TESTING, AND ANY SPECIAL EDUCATIONAL NEEDS;

42 (II) THE MINOR'S RACIAL, ETHNIC, AND RELIGIOUS BACKGROUND,
43 TRIBAL AFFILIATION, AND A GENERAL DESCRIPTION OF THE MINOR'S PARENTS;

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1 (III) AN ACCOUNT OF THE MINOR'S PAST AND EXISTING
2 RELATIONSHIP WITH ANY INDIVIDUAL WITH WHOM THE MINOR HAS REGULARLY
3 LIVED OR VISITED; AND

4 (IV) THE LEVEL OF EDUCATIONAL AND VOCATIONAL
5 ACHIEVEMENT OF THE MINOR'S PARENTS AND RELATIVES AND ANY NOTEWORTHY
6 ACCOMPLISHMENTS;

7 (4) INFORMATION CONCERNING A CRIMINAL CONVICTION OF A
8 PARENT FOR A FELONY, A JUDICIAL ORDER TERMINATING THE PARENTAL RIGHTS
9 OF A PARENT, AND A PROCEEDING IN WHICH THE PARENT WAS ALLEGED TO HAVE
10 ABUSED, NEGLECTED, ABANDONED, OR OTHERWISE MISTREATED THE MINOR, A
11 SIBLING OF THE MINOR, OR THE OTHER PARENT;

12 (5) INFORMATION CONCERNING A CRIMINAL CONVICTION OR
13 DELINQUENCY ADJUDICATION OF THE MINOR; AND

14 (6) INFORMATION NECESSARY TO DETERMINE THE MINOR'S
15 ELIGIBILITY FOR STATE OR FEDERAL BENEFITS, INCLUDING SUBSIDIES FOR
16 ADOPTION AND OTHER FINANCIAL, MEDICAL, OR SIMILAR ASSISTANCE.

17 (B) BEFORE A HEARING ON A PETITION FOR ADOPTION, THE PERSON WHO
18 PLACED A MINOR FOR ADOPTION SHALL FURNISH TO THE PROSPECTIVE ADOPTIVE
19 PARENT A SUPPLEMENTAL WRITTEN REPORT CONTAINING INFORMATION
20 REQUIRED BY SUBSECTION (A) OF THIS SECTION WHICH WAS UNAVAILABLE
21 BEFORE THE MINOR WAS PLACED FOR ADOPTION BUT BECOMES REASONABLY
22 AVAILABLE TO THE PERSON AFTER THE PLACEMENT.

23 (C) THE COURT MAY REQUEST THAT A RESPONDENT IN A PROCEEDING
24 UNDER SUBTITLE 3, PART V OF THIS TITLE SUPPLY THE INFORMATION REQUIRED
25 BY THIS SECTION.

26 (D) A REPORT FURNISHED UNDER THIS SECTION MUST INDICATE WHO
27 PREPARED THE REPORT AND, UNLESS CONFIDENTIALITY HAS BEEN WAIVED, BE
28 EDITED TO EXCLUDE THE IDENTITY OF ANY INDIVIDUAL WHO FURNISHED
29 INFORMATION OR ABOUT WHOM INFORMATION IS REPORTED.

30 (E) INFORMATION FURNISHED UNDER THIS SECTION MAY NOT BE USED AS
31 EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING AGAINST AN INDIVIDUAL WHO
32 IS THE SUBJECT OF THE INFORMATION.

33 (F) THE DEPARTMENT SHALL PRESCRIBE FORMS DESIGNED TO OBTAIN THE
34 SPECIFIC INFORMATION SOUGHT UNDER THIS SECTION AND SHALL FURNISH THE
35 FORMS TO A PERSON WHO IS AUTHORIZED TO PLACE A MINOR FOR ADOPTION OR
36 WHO PROVIDES SERVICES WITH RESPECT TO PLACEMENTS FOR ADOPTION.

37 16-207.

38 AN ADOPTION IN THIS STATE OF A MINOR BROUGHT INTO THIS STATE FROM
39 ANOTHER STATE BY A PROSPECTIVE ADOPTIVE PARENT, OR BY A PERSON WHO
40 PLACES THE MINOR FOR ADOPTION IN THIS STATE, IS GOVERNED BY THE LAWS OF

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1 THIS STATE, INCLUDING THIS TITLE AND THE INTERSTATE COMPACT ON THE
2 PLACEMENT OF CHILDREN.

3 16-208.

4 AN ADOPTION IN THIS STATE OF A MINOR BROUGHT INTO THIS STATE FROM
5 ANOTHER COUNTRY BY A PROSPECTIVE ADOPTIVE PARENT, OR BY A PERSON WHO
6 PLACES THE MINOR FOR ADOPTION IN THIS STATE, IS GOVERNED BY THIS TITLE,
7 SUBJECT TO ANY CONVENTION OR TREATY ON INTERCOUNTRY ADOPTION WHICH
8 THE UNITED STATES HAS RATIFIED AND ANY RELEVANT FEDERAL LAW.

9 PART II. PREPLACEMENT EVALUATION.

10 16-209.

11 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS
12 SECTION, ONLY AN INDIVIDUAL FOR WHOM A CURRENT, FAVORABLE WRITTEN
13 PREPLACEMENT EVALUATION HAS BEEN PREPARED MAY ACCEPT CUSTODY OF A
14 MINOR FOR PURPOSES OF ADOPTION. AN EVALUATION IS CURRENT IF IT IS
15 PREPARED OR UPDATED WITHIN THE 18 MONTHS NEXT PRECEDING THE
16 PLACEMENT OF THE MINOR WITH THE INDIVIDUAL FOR ADOPTION. AN
17 EVALUATION IS FAVORABLE IF IT CONTAINS A FINDING THAT THE INDIVIDUAL IS
18 SUITED TO BE AN ADOPTIVE PARENT, EITHER IN GENERAL OR FOR A PARTICULAR
19 MINOR.

20 (B) A COURT MAY EXCUSE THE ABSENCE OF A PREPLACEMENT EVALUATION
21 FOR GOOD CAUSE SHOWN, BUT THE PROSPECTIVE ADOPTIVE PARENT SO EXCUSED
22 MUST BE EVALUATED DURING THE PENDENCY OF THE PROCEEDING FOR
23 ADOPTION.

24 (C) A PREPLACEMENT EVALUATION IS NOT REQUIRED IF A PARENT OR
25 GUARDIAN PLACES A MINOR DIRECTLY WITH A RELATIVE OF THE MINOR FOR
26 PURPOSES OF ADOPTION, BUT AN EVALUATION OF THE RELATIVE IS REQUIRED
27 DURING THE PENDENCY OF A PROCEEDING FOR ADOPTION.

28 16-210.

29 (A) ONLY AN INDIVIDUAL QUALIFIED BY A STATE-APPROVED LICENSING,
30 CERTIFYING, OR OTHER PROCEDURE TO MAKE A PREPLACEMENT EVALUATION
31 MAY DO SO.

32 (B) AN AGENCY FROM WHICH AN INDIVIDUAL IS SEEKING TO ADOPT A
33 MINOR MAY REQUIRE THE INDIVIDUAL TO BE EVALUATED BY ITS OWN QUALIFIED
34 EMPLOYEE OR INDEPENDENT CONTRACTOR, EVEN IF THE INDIVIDUAL HAS
35 RECEIVED A FAVORABLE PREPLACEMENT EVALUATION FROM ANOTHER
36 QUALIFIED EVALUATOR.

37 16-211.

38 (A) AN INDIVIDUAL REQUESTING A PREPLACEMENT EVALUATION NEED NOT
39 HAVE LOCATED A PROSPECTIVE MINOR ADOPTEE WHEN THE REQUEST IS MADE,
40 AND THE INDIVIDUAL MAY REQUEST MORE THAN ONE EVALUATION.

11

1 (B) A PREPLACEMENT EVALUATION MUST BE COMPLETED WITHIN 45 DAYS
2 AFTER IT IS REQUESTED. AN EVALUATOR SHALL EXPEDITE AN EVALUATION FOR
3 AN INDIVIDUAL WHO HAS LOCATED A PROSPECTIVE ADOPTEE.

4 (C) A PREPLACEMENT EVALUATION MUST BE BASED UPON A PERSONAL
5 INTERVIEW AND VISIT AT THE RESIDENCE OF THE INDIVIDUAL BEING EVALUATED,
6 PERSONAL INTERVIEWS WITH OTHERS WHO KNOW THE INDIVIDUAL AND MAY
7 HAVE INFORMATION RELEVANT TO THE EVALUATION, AND THE INFORMATION
8 REQUIRED BY SUBSECTION (D) OF THIS SECTION.

9 (D) A PREPLACEMENT EVALUATION MUST CONTAIN THE FOLLOWING
10 INFORMATION ABOUT THE INDIVIDUAL BEING EVALUATED:

11 (1) AGE AND DATE OF BIRTH, NATIONALITY, RACIAL OR ETHNIC
12 BACKGROUND, AND ANY RELIGIOUS AFFILIATION;

13 (2) MARITAL STATUS AND FAMILY HISTORY, INCLUDING THE AGE AND
14 LOCATION OF ANY CHILD OF THE INDIVIDUAL AND THE IDENTITY OF AND
15 RELATIONSHIP TO ANYONE ELSE LIVING IN THE INDIVIDUAL'S HOUSEHOLD;

16 (3) PHYSICAL AND MENTAL HEALTH, AND ANY HISTORY OF ABUSE OF
17 ALCOHOL OR DRUGS;

18 (4) EDUCATIONAL AND EMPLOYMENT HISTORY AND ANY SPECIAL
19 SKILLS;

20 (5) PROPERTY AND INCOME, INCLUDING OUTSTANDING FINANCIAL
21 OBLIGATIONS AS INDICATED IN A CURRENT CREDIT REPORT OR FINANCIAL
22 STATEMENT FURNISHED BY THE INDIVIDUAL;

23 (6) ANY PREVIOUS REQUEST FOR AN EVALUATION OR INVOLVEMENT
24 IN AN ADOPTIVE PLACEMENT AND THE OUTCOME OF THE EVALUATION OR
25 PLACEMENT;

26 (7) WHETHER THE INDIVIDUAL HAS BEEN CHARGED WITH HAVING
27 COMMITTED DOMESTIC VIOLENCE OR A VIOLATION OF THE STATE'S CHILD
28 PROTECTION STATUTE, AND THE DISPOSITION OF THE CHARGES, OR WHETHER THE
29 INDIVIDUAL IS SUBJECT TO A COURT ORDER RESTRICTING THE INDIVIDUAL'S
30 RIGHT TO CUSTODY OR VISITATION WITH A CHILD;

31 (8) WHETHER THE INDIVIDUAL HAS BEEN CONVICTED OF A CRIME
32 OTHER THAN A MINOR TRAFFIC VIOLATION;

33 (9) WHETHER THE INDIVIDUAL HAS LOCATED A PARENT INTERESTED
34 IN PLACING A MINOR WITH THE INDIVIDUAL FOR ADOPTION AND, IF SO, A BRIEF
35 DESCRIPTION OF THE PARENT AND THE MINOR; AND

36 (10) ANY OTHER FACT OR CIRCUMSTANCE THAT MAY BE RELEVANT IN
37 DETERMINING WHETHER THE INDIVIDUAL IS SUITED TO BE AN ADOPTIVE PARENT,
38 INCLUDING THE QUALITY OF THE ENVIRONMENT IN THE INDIVIDUAL'S HOME AND
39 THE FUNCTIONING OF OTHER CHILDREN IN THE INDIVIDUAL'S HOUSEHOLD.

12

1 (E) AN INDIVIDUAL BEING EVALUATED MUST SUBMIT TO FINGERPRINTING
2 AND SIGN A RELEASE PERMITTING THE EVALUATOR TO OBTAIN FROM AN
3 APPROPRIATE LAW ENFORCEMENT AGENCY ANY RECORD INDICATING THAT THE
4 INDIVIDUAL HAS BEEN CONVICTED OF A CRIME OTHER THAN A MINOR TRAFFIC
5 VIOLATION.

6 (F) AN INDIVIDUAL BEING EVALUATED SHALL, AT THE REQUEST OF THE
7 EVALUATOR, SIGN ANY RELEASE NECESSARY FOR THE EVALUATOR TO OBTAIN
8 INFORMATION REQUIRED BY SUBSECTION (D) OF THIS SECTION.

9 16-212.

10 (A) AN EVALUATOR SHALL ASSESS THE INFORMATION REQUIRED BY § 16-211
11 OF THIS SUBTITLE TO DETERMINE WHETHER IT RAISES A SPECIFIC CONCERN THAT
12 PLACEMENT OF ANY MINOR, OR A PARTICULAR MINOR, IN THE HOME OF THE
13 INDIVIDUAL WOULD POSE A SIGNIFICANT RISK OF HARM TO THE PHYSICAL OR
14 PSYCHOLOGICAL WELL-BEING OF THE MINOR.

15 (B) IF AN EVALUATOR DETERMINES THAT THE INFORMATION ASSESSED
16 DOES NOT RAISE A SPECIFIC CONCERN, THE EVALUATOR SHALL FIND THAT THE
17 INDIVIDUAL IS SUITED TO BE AN ADOPTIVE PARENT. THE EVALUATOR MAY
18 COMMENT ABOUT ANY FACTOR THAT IN THE EVALUATOR'S OPINION MAKES THE
19 INDIVIDUAL SUITED IN GENERAL OR FOR A PARTICULAR MINOR.

20 (C) IF AN EVALUATOR DETERMINES THAT THE INFORMATION ASSESSED
21 RAISES A SPECIFIC CONCERN, THE EVALUATOR, ON THE BASIS OF THE ORIGINAL OR
22 ANY FURTHER INVESTIGATION, SHALL FIND THAT THE INDIVIDUAL IS OR IS NOT
23 SUITED TO BE AN ADOPTIVE PARENT. THE EVALUATOR SHALL SUPPORT THE
24 FINDING WITH A WRITTEN EXPLANATION.

25 16-213.

26 (A) IF A PREPLACEMENT EVALUATION CONTAINS A FINDING THAT AN
27 INDIVIDUAL IS SUITED TO BE AN ADOPTIVE PARENT, THE EVALUATOR SHALL GIVE
28 THE INDIVIDUAL A SIGNED COPY OF THE EVALUATION. AT THE INDIVIDUAL'S
29 REQUEST, THE EVALUATOR SHALL FURNISH A COPY OF THE EVALUATION TO A
30 PERSON AUTHORIZED UNDER THIS TITLE TO PLACE A MINOR FOR ADOPTION AND,
31 UNLESS THE INDIVIDUAL REQUESTS OTHERWISE, EDIT THE COPY TO EXCLUDE
32 IDENTIFYING INFORMATION.

33 (B) IF A PREPLACEMENT EVALUATION CONTAINS A FINDING THAT AN
34 INDIVIDUAL IS NOT SUITED TO BE AN ADOPTIVE PARENT OF ANY MINOR, OR A
35 PARTICULAR MINOR, THE EVALUATOR SHALL IMMEDIATELY GIVE A SIGNED COPY
36 OF THE EVALUATION TO THE INDIVIDUAL AND TO THE DEPARTMENT. THE
37 DEPARTMENT SHALL RETAIN FOR 10 YEARS THE COPY AND A COPY OF ANY COURT
38 ORDER CONCERNING THE EVALUATION ISSUED PURSUANT TO § 16-214 OR § 16-215
39 OF THIS SUBTITLE.

40 (C) AN EVALUATOR SHALL RETAIN FOR 2 YEARS THE ORIGINAL OF A
41 COMPLETED OR INCOMPLETE PREPLACEMENT EVALUATION AND A LIST OF EVERY
42 SOURCE FOR EACH ITEM OF INFORMATION IN THE EVALUATION.

13

1 (D) AN EVALUATOR WHO CONDUCTED AN EVALUATION IN GOOD FAITH IS
2 NOT SUBJECT TO CIVIL LIABILITY FOR ANYTHING CONTAINED IN THE EVALUATION.

3 16-214.

4 (A) WITHIN 90 DAYS AFTER AN INDIVIDUAL RECEIVES A PREPLACEMENT
5 EVALUATION WITH A FINDING THAT HE OR SHE IS NOT SUITED TO BE AN ADOPTIVE
6 PARENT, THE INDIVIDUAL MAY PETITION A COURT FOR REVIEW OF THE
7 EVALUATION.

8 (B) IF THE COURT DETERMINES THAT THE PETITIONER HAS FAILED TO
9 PROVE SUITABILITY BY A PREPONDERANCE OF THE EVIDENCE, IT SHALL ORDER
10 THAT THE PETITIONER NOT BE PERMITTED TO ADOPT A MINOR AND SHALL SEND A
11 COPY OF THE ORDER TO THE DEPARTMENT TO BE RETAINED WITH THE COPY OF
12 THE ORIGINAL EVALUATION. IF, AT THE TIME OF THE COURT'S DETERMINATION,
13 THE PETITIONER HAS CUSTODY OF A MINOR FOR PURPOSES OF ADOPTION, THE
14 COURT SHALL MAKE AN APPROPRIATE ORDER FOR THE CARE AND CUSTODY OF
15 THE MINOR.

16 (C) IF THE COURT DETERMINES THAT THE PETITIONER HAS PROVED
17 SUITABILITY, THE COURT SHALL FIND THE PETITIONER SUITABLE TO BE AN
18 ADOPTIVE PARENT AND THE PETITIONER MAY COMMENCE OR CONTINUE A
19 PROCEEDING FOR ADOPTION OF A MINOR. THE COURT SHALL SEND A COPY OF ITS
20 ORDER TO THE DEPARTMENT TO BE RETAINED WITH THE COPY OF THE ORIGINAL
21 EVALUATION.

22 16-215.

23 IF, BEFORE A DECREE OF ADOPTION IS ISSUED, THE DEPARTMENT LEARNS
24 FROM AN EVALUATOR OR ANOTHER PERSON THAT A MINOR HAS BEEN PLACED
25 FOR ADOPTION WITH AN INDIVIDUAL WHO IS THE SUBJECT OF A PREPLACEMENT
26 EVALUATION ON FILE WITH THE DEPARTMENT CONTAINING A FINDING OF
27 UNSUITABILITY, THE DEPARTMENT SHALL IMMEDIATELY REVIEW THE
28 EVALUATION AND INVESTIGATE THE CIRCUMSTANCES OF THE PLACEMENT AND
29 MAY REQUEST THAT THE INDIVIDUAL RETURN THE MINOR TO THE CUSTODY OF
30 THE PERSON WHO PLACED THE MINOR OR TO THE DEPARTMENT. IF THE
31 INDIVIDUAL REFUSES TO RETURN THE MINOR, THE DEPARTMENT SHALL
32 IMMEDIATELY COMMENCE AN ACTION OR PROCEEDING TO REMOVE THE MINOR
33 FROM THE HOME OF THE INDIVIDUAL PURSUANT TO THE STATE'S CHILD
34 PROTECTION STATUTE AND, PENDING A HEARING, THE COURT SHALL MAKE AN
35 APPROPRIATE ORDER FOR THE CARE AND CUSTODY OF THE MINOR.

36 PART III. TRANSFER OF PHYSICAL CUSTODY OF MINOR BY HEALTH CARE FACILITY
37 FOR PURPOSES OF ADOPTION.

38 16-216.

39 IN THIS PART III OF THIS SUBTITLE, "HEALTH CARE FACILITY" MEANS A
40 HOSPITAL, CLINIC, OR OTHER FACILITY AUTHORIZED BY THIS STATE TO PROVIDE
41 SERVICES RELATED TO BIRTH AND NEONATAL CARE.

14

1 16-217.

2 (A) A HEALTH CARE FACILITY SHALL RELEASE A MINOR FOR THE PURPOSE
3 OF ADOPTION TO AN INDIVIDUAL OR AGENCY NOT OTHERWISE LEGALLY ENTITLED
4 TO THE PHYSICAL CUSTODY OF THE MINOR IF, IN THE PRESENCE OF AN EMPLOYEE
5 AUTHORIZED BY THE HEALTH CARE FACILITY, THE WOMAN WHO GAVE BIRTH TO
6 THE MINOR SIGNS AN AUTHORIZATION OF THE TRANSFER OF PHYSICAL CUSTODY.

7 (B) AN AUTHORIZED EMPLOYEE IN WHOSE PRESENCE THE AUTHORIZATION
8 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IS SIGNED SHALL ATTEST THE
9 SIGNING IN WRITING.

10 16-218.

11 (A) NO LATER THAN 72 HOURS AFTER A RELEASE PURSUANT TO § 16-217 OF
12 THIS SUBTITLE, A HEALTH CARE FACILITY THAT RELEASES A MINOR FOR PURPOSES
13 OF ADOPTION SHALL TRANSMIT TO THE DEPARTMENT A COPY OF THE
14 AUTHORIZATION REQUIRED BY § 16-217 OF THIS SUBTITLE AND SHALL REPORT:

15 (1) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON
16 WHO AUTHORIZED THE RELEASE;

17 (2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON TO
18 WHOM PHYSICAL CUSTODY WAS TRANSFERRED; AND

19 (3) THE DATE OF THE TRANSFER.

20 (B) NO LATER THAN 30 DAYS AFTER A RELEASE PURSUANT TO § 16-217 OF
21 THIS SUBTITLE, THE PERSON TO WHOM PHYSICAL CUSTODY OF A MINOR WAS
22 TRANSFERRED SHALL REPORT TO THE DEPARTMENT WHICH, IF ANY, OF THE
23 FOLLOWING HAS OCCURRED:

24 (1) THE FILING OF A PETITION FOR ADOPTION WITH THE NAME AND
25 ADDRESS OF THE PETITIONER;

26 (2) THE ACQUISITION OF CUSTODY OF THE MINOR BY AN AGENCY AND
27 THE NAME AND ADDRESS OF THE AGENCY;

28 (3) THE RETURN OF THE MINOR TO A PARENT OR OTHER PERSON
29 HAVING LEGAL CUSTODY AND THE NAME AND ADDRESS OF THE PARENT OR OTHER
30 PERSON; OR

31 (4) THE TRANSFER OF PHYSICAL CUSTODY OF THE MINOR TO
32 ANOTHER INDIVIDUAL AND THE NAME AND ADDRESS OF THE INDIVIDUAL.

33 16-219.

34 (A) IF THE DEPARTMENT RECEIVES A REPORT REQUIRED UNDER § 16-218(A)
35 OF THIS SUBTITLE FROM A HEALTH CARE FACILITY, BUT DOES NOT RECEIVE THE
36 REPORT REQUIRED UNDER § 2-303(B) OF THIS ARTICLE, WITHIN 45 DAYS AFTER THE
37 TRANSFER OF A MINOR, THE DEPARTMENT SHALL IMMEDIATELY INVESTIGATE TO
38 DETERMINE THE WHEREABOUTS OF THE MINOR.

15

1 (B) IF NONE OF THE DISPOSITIONS LISTED IN § 16-218(B)(1) THROUGH (3) OF
2 THIS SUBTITLE HAS OCCURRED, OR THE MINOR HAS BEEN TRANSFERRED TO AN
3 INDIVIDUAL DESCRIBED IN § 16-218(B)(4) OF THIS SUBTITLE WHO HAS NOT FILED A
4 PETITION TO ADOPT, THE DEPARTMENT SHALL IMMEDIATELY TAKE APPROPRIATE
5 ACTION TO REMOVE THE MINOR FROM THE INDIVIDUAL TO WHOM THE MINOR HAS
6 BEEN TRANSFERRED.

7 (C) THE DEPARTMENT MAY ALSO REVIEW AND INVESTIGATE COMPLIANCE
8 WITH §§ 16-201 THROUGH 16-206 OF THIS SUBTITLE, AND MAY MAINTAIN AN ACTION
9 IN THE APPROPRIATE COURT TO COMPEL COMPLIANCE.

10 PART IV. CONSENT TO AND RELINQUISHMENT FOR ADOPTION.

11 16-220.

12 (A) UNLESS CONSENT IS NOT REQUIRED OR IS DISPENSED WITH BY § 16-221 OF
13 THIS SUBTITLE, IN A DIRECT PLACEMENT OF A MINOR FOR ADOPTION BY A PARENT
14 OR GUARDIAN AUTHORIZED UNDER THIS TITLE TO PLACE THE MINOR, A PETITION
15 TO ADOPT THE MINOR MAY BE GRANTED ONLY IF CONSENT TO THE ADOPTION HAS
16 BEEN EXECUTED BY:

17 (1) THE WOMAN WHO GAVE BIRTH TO THE MINOR AND THE MAN, IF
18 ANY, WHO:

19 (I) IS OR HAS BEEN MARRIED TO THE WOMAN IF THE MINOR WAS
20 BORN DURING THE MARRIAGE OR WITHIN 300 DAYS AFTER THE MARRIAGE WAS
21 TERMINATED OR A COURT ISSUED A DECREE OF SEPARATION;

22 (II) ATTEMPTED TO MARRY THE WOMAN BEFORE THE MINOR'S
23 BIRTH BY A MARRIAGE SOLEMNIZED IN APPARENT COMPLIANCE WITH LAW,
24 ALTHOUGH THE ATTEMPTED MARRIAGE IS OR COULD BE DECLARED INVALID, IF
25 THE MINOR WAS BORN DURING THE ATTEMPTED MARRIAGE OR WITHIN 300 DAYS
26 AFTER THE ATTEMPTED MARRIAGE WAS TERMINATED;

27 (III) HAS BEEN JUDICIALLY DETERMINED TO BE THE FATHER OF
28 THE MINOR, OR HAS SIGNED A DOCUMENT THAT HAS THE EFFECT OF ESTABLISHING
29 HIS PARENTAGE OF THE MINOR, AND:

30 1. HAS PROVIDED, IN ACCORDANCE WITH HIS FINANCIAL
31 MEANS, REASONABLE AND CONSISTENT PAYMENTS FOR THE SUPPORT OF THE
32 MINOR AND HAS VISITED OR COMMUNICATED WITH THE MINOR; OR

33 2. AFTER THE MINOR'S BIRTH, BUT BEFORE THE MINOR'S
34 PLACEMENT FOR ADOPTION, HAS MARRIED THE WOMAN WHO GAVE BIRTH TO THE
35 MINOR OR ATTEMPTED TO MARRY HER BY A MARRIAGE SOLEMNIZED IN
36 APPARENT COMPLIANCE WITH LAW, ALTHOUGH THE ATTEMPTED MARRIAGE IS OR
37 COULD BE DECLARED INVALID; OR

38 (IV) HAS RECEIVED THE MINOR INTO HIS HOME AND OPENLY HELD
39 OUT THE MINOR AS HIS CHILD;

16

1 (2) THE MINOR'S GUARDIAN IF EXPRESSLY AUTHORIZED BY A COURT
2 TO CONSENT TO THE MINOR'S ADOPTION; OR

3 (3) THE CURRENT ADOPTIVE OR OTHER LEGALLY RECOGNIZED
4 MOTHER AND FATHER OF THE MINOR.

5 (B) UNLESS CONSENT IS NOT REQUIRED UNDER § 16-221 OF THIS SUBTITLE, IN
6 A PLACEMENT OF A MINOR FOR ADOPTION BY AN AGENCY AUTHORIZED UNDER
7 THIS TITLE TO PLACE THE MINOR, A PETITION TO ADOPT THE MINOR MAY BE
8 GRANTED ONLY IF CONSENT TO THE ADOPTION HAS BEEN EXECUTED BY:

9 (1) THE AGENCY THAT PLACED THE MINOR FOR ADOPTION; AND

10 (2) ANY INDIVIDUALS DESCRIBED IN SUBSECTION (A) OF THIS SECTION
11 WHO HAVE NOT RELINQUISHED THE MINOR.

12 (C) UNLESS THE COURT DISPENSES WITH THE MINOR'S CONSENT, A PETITION
13 TO ADOPT A MINOR WHO HAS ATTAINED 12 YEARS OF AGE MAY BE GRANTED ONLY
14 IF, IN ADDITION TO ANY CONSENT REQUIRED BY SUBSECTIONS (A) AND (B) OF THIS
15 SECTION, THE MINOR HAS EXECUTED AN INFORMED CONSENT TO THE ADOPTION.

16 16-221.

17 (A) CONSENT TO AN ADOPTION OF A MINOR IS NOT REQUIRED OF:

18 (1) AN INDIVIDUAL WHO HAS RELINQUISHED THE MINOR TO AN
19 AGENCY FOR PURPOSES OF ADOPTION;

20 (2) AN INDIVIDUAL WHOSE PARENTAL RELATIONSHIP TO THE MINOR
21 HAS BEEN JUDICIALLY TERMINATED OR DETERMINED NOT TO EXIST;

22 (3) A PARENT WHO HAS BEEN JUDICIALLY DECLARED INCOMPETENT;

23 (4) A MAN WHO HAS NOT BEEN MARRIED TO THE WOMAN WHO GAVE
24 BIRTH TO THE MINOR AND WHO, AFTER THE CONCEPTION OF THE MINOR,
25 EXECUTES A VERIFIED STATEMENT DENYING PATERNITY OR DISCLAIMING ANY
26 INTEREST IN THE MINOR AND ACKNOWLEDGING THAT HIS STATEMENT IS
27 IRREVOCABLE WHEN EXECUTED;

28 (5) THE PERSONAL REPRESENTATIVE OF A DECEASED PARENT'S
29 ESTATE; OR

30 (6) A PARENT OR OTHER PERSON WHO HAS NOT EXECUTED A CONSENT
31 OR A RELINQUISHMENT AND WHO FAILS TO FILE AN ANSWER OR MAKE AN
32 APPEARANCE IN A PROCEEDING FOR ADOPTION OR FOR TERMINATION OF A
33 PARENTAL RELATIONSHIP WITHIN THE REQUISITE TIME AFTER SERVICE OF NOTICE
34 OF THE PROCEEDING.

35 (B) THE COURT MAY DISPENSE WITH THE CONSENT OF:

36 (1) A GUARDIAN OR AN AGENCY WHOSE CONSENT IS OTHERWISE
37 REQUIRED UPON A FINDING THAT THE CONSENT IS BEING WITHHELD CONTRARY
38 TO THE BEST INTEREST OF A MINOR ADOPTEE; OR

17

1 (2) A MINOR ADOPTEE WHO HAS ATTAINED 12 YEARS OF AGE UPON A
2 FINDING THAT IT IS NOT IN THE BEST INTEREST OF THE MINOR TO REQUIRE THE
3 CONSENT.

4 16-222.

5 A PARENT OR GUARDIAN WHOSE CONSENT TO THE ADOPTION OF A MINOR IS
6 REQUIRED BY § 16-220 OF THIS SUBTITLE MAY RELINQUISH TO AN AGENCY ALL
7 RIGHTS WITH RESPECT TO THE MINOR, INCLUDING LEGAL AND PHYSICAL CUSTODY
8 AND THE RIGHT TO CONSENT TO THE MINOR'S ADOPTION.

9 16-223.

10 (A) A PARENT WHOSE CONSENT TO THE ADOPTION OF A MINOR IS REQUIRED
11 BY § 16-220 OF THIS SUBTITLE MAY EXECUTE A CONSENT OR A RELINQUISHMENT
12 ONLY AFTER THE MINOR IS BORN. A PARENT WHO EXECUTES A CONSENT OR
13 RELINQUISHMENT MAY REVOKE THE CONSENT OR RELINQUISHMENT WITHIN 192
14 HOURS AFTER THE BIRTH OF THE MINOR.

15 (B) A GUARDIAN MAY EXECUTE A CONSENT TO THE ADOPTION OF A MINOR
16 OR A RELINQUISHMENT AT ANY TIME AFTER BEING AUTHORIZED BY A COURT TO
17 DO SO.

18 (C) AN AGENCY THAT PLACES A MINOR FOR ADOPTION MAY EXECUTE ITS
19 CONSENT AT ANY TIME BEFORE OR DURING THE HEARING ON THE PETITION FOR
20 ADOPTION.

21 (D) A MINOR ADOPTEE WHOSE CONSENT IS REQUIRED MAY EXECUTE A
22 CONSENT AT ANY TIME BEFORE OR DURING THE HEARING ON THE PETITION FOR
23 ADOPTION.

24 (E) BEFORE EXECUTING A CONSENT OR RELINQUISHMENT, A PARENT MUST
25 HAVE BEEN INFORMED OF THE MEANING AND CONSEQUENCES OF ADOPTION, THE
26 AVAILABILITY OF PERSONAL AND LEGAL COUNSELING, THE CONSEQUENCES OF
27 MISIDENTIFYING THE OTHER PARENT, THE PROCEDURE FOR RELEASING
28 INFORMATION ABOUT THE HEALTH AND OTHER CHARACTERISTICS OF THE PARENT
29 WHICH MAY AFFECT THE PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE
30 ADOPTEE, AND THE PROCEDURE FOR THE CONSENSUAL RELEASE OF THE PARENT'S
31 IDENTITY TO AN ADOPTEE, AN ADOPTEE'S DIRECT DESCENDANT, OR AN ADOPTIVE
32 PARENT PURSUANT TO SUBTITLE 6 OF THIS TITLE. THE PARENT MUST HAVE HAD AN
33 OPPORTUNITY TO INDICATE IN A SIGNED DOCUMENT WHETHER AND UNDER WHAT
34 CIRCUMSTANCES THE PARENT IS OR IS NOT WILLING TO RELEASE IDENTIFYING
35 INFORMATION, AND MUST HAVE BEEN INFORMED OF THE PROCEDURE FOR
36 CHANGING THE DOCUMENT AT A LATER TIME.

37 16-224.

38 (A) A CONSENT OR RELINQUISHMENT EXECUTED BY A PARENT OR
39 GUARDIAN MUST BE SIGNED OR CONFIRMED IN THE PRESENCE OF:

40 (1) A JUDGE OF A COURT OF RECORD;

18

1 (2) AN INDIVIDUAL WHOM A JUDGE OF A COURT OF RECORD
2 DESIGNATES TO TAKE CONSENTS OR RELINQUISHMENTS;

3 (3) AN EMPLOYEE OTHER THAN AN EMPLOYEE OF AN AGENCY TO
4 WHICH A MINOR IS RELINQUISHED WHOM AN AGENCY DESIGNATES TO TAKE
5 CONSENTS OR RELINQUISHMENTS;

6 (4) A LAWYER OTHER THAN A LAWYER WHO IS REPRESENTING AN
7 ADOPTIVE PARENT OR THE AGENCY TO WHICH A MINOR IS RELINQUISHED;

8 (5) A COMMISSIONED OFFICER ON ACTIVE DUTY IN THE MILITARY
9 SERVICE OF THE UNITED STATES, IF THE INDIVIDUAL EXECUTING THE CONSENT OR
10 RELINQUISHMENT IS IN MILITARY SERVICE; OR

11 (6) AN OFFICER OF THE FOREIGN SERVICE OR A CONSULAR OFFICER
12 OF THE UNITED STATES IN ANOTHER COUNTRY, IF THE INDIVIDUAL EXECUTING
13 THE CONSENT OR RELINQUISHMENT IS IN THAT COUNTRY.

14 (B) A CONSENT EXECUTED BY A MINOR ADOPTEE MUST BE SIGNED OR
15 CONFIRMED IN THE PRESENCE OF THE COURT IN THE PROCEEDING FOR ADOPTION
16 OR IN A MANNER THE COURT DIRECTS.

17 (C) A PARENT WHO IS A MINOR IS COMPETENT TO EXECUTE A CONSENT OR
18 RELINQUISHMENT IF THE PARENT HAS HAD ACCESS TO COUNSELING AND HAS HAD
19 THE ADVICE OF A LAWYER WHO IS NOT REPRESENTING AN ADOPTIVE PARENT OR
20 THE AGENCY TO WHICH THE PARENT'S CHILD IS RELINQUISHED.

21 (D) AN INDIVIDUAL BEFORE WHOM A CONSENT OR RELINQUISHMENT IS
22 SIGNED OR CONFIRMED UNDER SUBSECTION (A) OF THIS SECTION SHALL CERTIFY
23 IN WRITING THAT HE OR SHE ORALLY EXPLAINED THE CONTENTS AND
24 CONSEQUENCES OF THE CONSENT OR RELINQUISHMENT, AND TO THE BEST OF HIS
25 OR HER KNOWLEDGE OR BELIEF, THE INDIVIDUAL EXECUTING THE CONSENT OR
26 RELINQUISHMENT:

27 (1) READ OR WAS READ THE CONSENT OR RELINQUISHMENT AND
28 UNDERSTOOD IT;

29 (2) SIGNED THE CONSENT OR RELINQUISHMENT VOLUNTARILY AND
30 RECEIVED OR WAS OFFERED A COPY OF IT;

31 (3) WAS FURNISHED THE INFORMATION AND AFFORDED AN
32 OPPORTUNITY TO SIGN THE DOCUMENT DESCRIBED BY § 16-223(E) OF THIS
33 SUBTITLE;

34 (4) RECEIVED OR WAS OFFERED COUNSELING SERVICES AND
35 INFORMATION ABOUT ADOPTION; AND

36 (5) IF A PARENT WHO IS A MINOR, WAS ADVISED BY A LAWYER WHO IS
37 NOT REPRESENTING AN ADOPTIVE PARENT OR THE AGENCY TO WHICH THE
38 PARENT'S CHILD IS BEING RELINQUISHED, OR, IF AN ADULT, WAS INFORMED OF
39 THE RIGHT TO HAVE A LAWYER WHO IS NOT REPRESENTING AN ADOPTIVE PARENT
40 OR AN AGENCY TO WHICH THE PARENT'S CHILD IS BEING RELINQUISHED.

19

1 (E) A PROSPECTIVE ADOPTIVE PARENT NAMED OR DESCRIBED IN A
2 CONSENT TO THE ADOPTION OF A MINOR SHALL SIGN A STATEMENT INDICATING
3 AN INTENTION TO ADOPT THE MINOR, ACKNOWLEDGING AN OBLIGATION TO
4 RETURN LEGAL AND PHYSICAL CUSTODY OF THE MINOR TO THE MINOR'S PARENT
5 IF THE PARENT REVOKES THE CONSENT WITHIN THE TIME SPECIFIED IN § 16-223(A)
6 OF THIS SUBTITLE, AND ACKNOWLEDGING RESPONSIBILITY FOR THE MINOR'S
7 SUPPORT AND MEDICAL AND OTHER CARE IF THE CONSENT IS NOT REVOKED.

8 (F) IF AN AGENCY ACCEPTS A RELINQUISHMENT, AN EMPLOYEE OF THE
9 AGENCY SHALL SIGN A STATEMENT ACCEPTING THE RELINQUISHMENT,
10 ACKNOWLEDGING ITS OBLIGATION TO RETURN LEGAL AND PHYSICAL CUSTODY OF
11 THE CHILD TO THE MINOR'S PARENT IF THE PARENT REVOKES THE
12 RELINQUISHMENT WITHIN THE TIME INDICATED IN § 16-223(A) OF THIS SUBTITLE,
13 AND ACKNOWLEDGING RESPONSIBILITY FOR THE MINOR'S SUPPORT AND MEDICAL
14 AND OTHER CARE IF THE RELINQUISHMENT IS NOT REVOKED.

15 (G) AN INDIVIDUAL BEFORE WHOM A CONSENT OR A RELINQUISHMENT IS
16 SIGNED OR CONFIRMED SHALL CERTIFY HAVING RECEIVED THE STATEMENTS
17 REQUIRED BY SUBSECTIONS (E) AND (F) OF THIS SECTION.

18 (H) A CONSENT BY AN AGENCY TO THE ADOPTION OF A MINOR IN THE
19 AGENCY'S LEGAL CUSTODY MUST BE EXECUTED BY THE HEAD OR AN INDIVIDUAL
20 AUTHORIZED BY THE AGENCY AND MUST BE SIGNED OR CONFIRMED UNDER OATH
21 IN THE PRESENCE OF AN INDIVIDUAL AUTHORIZED TO TAKE ACKNOWLEDGMENTS.

22 (I) A CONSENT OR RELINQUISHMENT EXECUTED AND SIGNED OR
23 CONFIRMED IN ANOTHER STATE OR COUNTRY IS VALID IF IN ACCORDANCE WITH
24 THIS TITLE OR WITH THE LAW AND PROCEDURE PREVAILING WHERE EXECUTED.

25 16-225.

26 (A) A CONSENT OR RELINQUISHMENT REQUIRED FROM A PARENT OR
27 GUARDIAN MUST BE IN WRITING AND CONTAIN, IN PLAIN ENGLISH OR, IF THE
28 NATIVE LANGUAGE OF THE PARENT OR GUARDIAN IS A LANGUAGE OTHER THAN
29 ENGLISH, IN THAT LANGUAGE:

30 (1) THE DATE, PLACE, AND TIME OF THE EXECUTION OF THE CONSENT
31 OR RELINQUISHMENT;

32 (2) THE NAME, DATE OF BIRTH, AND CURRENT MAILING ADDRESS OF
33 THE INDIVIDUAL EXECUTING THE CONSENT OR RELINQUISHMENT;

34 (3) THE DATE OF BIRTH AND THE NAME OR PSEUDONYM OF THE
35 MINOR ADOPTEE;

36 (4) IF A CONSENT, THE NAME, ADDRESS, AND TELEPHONE AND
37 TELECOPIER NUMBERS OF THE LAWYER REPRESENTING THE PROSPECTIVE
38 ADOPTIVE PARENT WITH WHOM THE INDIVIDUAL EXECUTING THE CONSENT HAS
39 PLACED OR INTENDS TO PLACE THE MINOR FOR ADOPTION;

20

1 (5) IF A RELINQUISHMENT, THE NAME, ADDRESS, AND TELEPHONE AND
2 TELECOPIER NUMBERS OF THE AGENCY TO WHICH THE MINOR IS BEING
3 RELINQUISHED; AND

4 (6) SPECIFIC INSTRUCTIONS AS TO HOW TO REVOKE THE CONSENT OR
5 RELINQUISHMENT AND HOW TO COMMENCE AN ACTION TO SET IT ASIDE.

6 (B) A CONSENT MUST STATE THAT THE PARENT OR GUARDIAN EXECUTING
7 THE DOCUMENT IS VOLUNTARILY AND UNEQUIVOCALLY CONSENTING TO THE
8 TRANSFER OF LEGAL AND PHYSICAL CUSTODY TO, AND THE ADOPTION OF THE
9 MINOR BY, A SPECIFIC ADOPTIVE PARENT WHOM THE PARENT OR GUARDIAN HAS
10 SELECTED.

11 (C) A RELINQUISHMENT MUST STATE THAT THE INDIVIDUAL EXECUTING
12 THE RELINQUISHMENT VOLUNTARILY CONSENTS TO THE PERMANENT TRANSFER
13 OF LEGAL AND PHYSICAL CUSTODY OF THE MINOR TO THE AGENCY FOR THE
14 PURPOSES OF ADOPTION.

15 (D) A CONSENT OR RELINQUISHMENT MUST STATE:

16 (1) AN UNDERSTANDING THAT AFTER THE CONSENT OR
17 RELINQUISHMENT IS SIGNED OR CONFIRMED IN SUBSTANTIAL COMPLIANCE WITH §
18 16-224 OF THIS SUBTITLE, IT IS FINAL AND, EXCEPT UNDER A CIRCUMSTANCE
19 STATED IN § 16-227 OR § 16-228 OF THIS SUBTITLE, MAY NOT BE REVOKED OR SET
20 ASIDE FOR ANY REASON, INCLUDING THE FAILURE OF AN ADOPTIVE PARENT TO
21 PERMIT THE INDIVIDUAL EXECUTING THE CONSENT OR RELINQUISHMENT TO VISIT
22 OR COMMUNICATE WITH THE MINOR ADOPTEE;

23 (2) AN UNDERSTANDING THAT THE ADOPTION WILL EXTINGUISH ALL
24 PARENTAL RIGHTS AND OBLIGATIONS THE INDIVIDUAL EXECUTING THE CONSENT
25 OR RELINQUISHMENT HAS WITH RESPECT TO THE MINOR ADOPTEE, EXCEPT FOR
26 ARREARAGES OF CHILD SUPPORT, AND WILL REMAIN VALID WHETHER OR NOT
27 ANY AGREEMENT FOR VISITATION OR COMMUNICATION WITH THE MINOR
28 ADOPTEE IS LATER PERFORMED;

29 (3) THAT THE INDIVIDUAL EXECUTING THE CONSENT OR
30 RELINQUISHMENT HAS:

31 (I) RECEIVED A COPY OF THE CONSENT OR RELINQUISHMENT;

32 (II) RECEIVED OR BEEN OFFERED COUNSELING SERVICES AND
33 INFORMATION ABOUT ADOPTION WHICH EXPLAINS THE MEANING AND
34 CONSEQUENCES OF AN ADOPTION;

35 (III) BEEN ADVISED, IF A PARENT WHO IS A MINOR, BY A LAWYER
36 WHO IS NOT REPRESENTING AN ADOPTIVE PARENT OR THE AGENCY TO WHICH THE
37 MINOR ADOPTEE IS BEING RELINQUISHED, OR, IF AN ADULT, HAS BEEN INFORMED
38 OF THE RIGHT TO HAVE A LAWYER WHO IS NOT REPRESENTING AN ADOPTIVE
39 PARENT OR THE AGENCY;

21

1 (IV) BEEN PROVIDED THE INFORMATION AND AFFORDED AN
2 OPPORTUNITY TO SIGN THE DOCUMENT DESCRIBED IN § 16-223(E) OF THIS
3 SUBTITLE; AND

4 (V) BEEN ADVISED OF THE OBLIGATION TO PROVIDE THE
5 INFORMATION REQUIRED UNDER § 16-206 OF THIS SUBTITLE;

6 (4) THAT THE INDIVIDUAL EXECUTING THE CONSENT OR
7 RELINQUISHMENT HAS NOT RECEIVED OR BEEN PROMISED ANY MONEY OR
8 ANYTHING OF VALUE FOR THE CONSENT OR THE RELINQUISHMENT, EXCEPT FOR
9 PAYMENTS AUTHORIZED BY SUBTITLE 7;

10 (5) THAT THE MINOR IS NOT AN INDIAN CHILD AS DEFINED IN THE
11 INDIAN CHILD WELFARE ACT, 25 U.S.C. SECTIONS 1901 ET SEQ.;

12 (6) THAT THE INDIVIDUAL BELIEVES THE ADOPTION OF THE MINOR IS
13 IN THE MINOR'S BEST INTEREST; AND

14 (7) IF A CONSENT, THAT THE INDIVIDUAL WHO IS CONSENTING WAIVES
15 FURTHER NOTICE UNLESS THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

16 (E) A RELINQUISHMENT MAY PROVIDE THAT THE INDIVIDUAL WHO IS
17 RELINQUISHING WAIVES NOTICE OF ANY PROCEEDING FOR ADOPTION, OR WAIVES
18 NOTICE UNLESS THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

19 (F) A CONSENT OR RELINQUISHMENT MAY PROVIDE FOR ITS REVOCATION
20 IF:

21 (1) ANOTHER CONSENT OR RELINQUISHMENT IS NOT EXECUTED
22 WITHIN A SPECIFIED PERIOD;

23 (2) A COURT DECIDES NOT TO TERMINATE ANOTHER INDIVIDUAL'S
24 PARENTAL RELATIONSHIP TO THE MINOR; OR

25 (3) IN A DIRECT PLACEMENT FOR ADOPTION, A PETITION FOR
26 ADOPTION BY A PROSPECTIVE ADOPTIVE PARENT, NAMED OR DESCRIBED IN THE
27 CONSENT, IS DENIED OR WITHDRAWN.

28 16-226.

29 (A) EXCEPT UNDER A CIRCUMSTANCE STATED IN § 16-227 OF THIS SUBTITLE,
30 A CONSENT TO THE ADOPTION OF A MINOR WHICH IS EXECUTED BY A PARENT OR
31 GUARDIAN IN SUBSTANTIAL COMPLIANCE WITH §§ 16-224 AND 16-225 IS FINAL AND
32 IRREVOCABLE, AND:

33 (1) UNLESS A COURT ORDERS OTHERWISE TO PROTECT THE WELFARE
34 OF THE MINOR, ENTITLES THE PROSPECTIVE ADOPTIVE PARENT NAMED OR
35 DESCRIBED IN THE CONSENT TO THE LEGAL AND PHYSICAL CUSTODY OF THE
36 MINOR AND IMPOSES ON THAT INDIVIDUAL RESPONSIBILITY FOR THE SUPPORT
37 AND MEDICAL AND OTHER CARE OF THE MINOR;

38 (2) TERMINATES ANY DUTY OF A PARENT WHO EXECUTED THE
39 CONSENT WITH RESPECT TO THE MINOR, EXCEPT FOR ARREARAGES OF CHILD
40 SUPPORT; AND

1 (3) TERMINATES ANY RIGHT OF A PARENT OR GUARDIAN WHO
2 EXECUTED THE CONSENT TO OBJECT TO THE MINOR'S ADOPTION BY THE
3 PROSPECTIVE ADOPTIVE PARENT AND ANY RIGHT TO NOTICE OF THE PROCEEDING
4 FOR ADOPTION UNLESS THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

5 (B) EXCEPT UNDER A CIRCUMSTANCE STATED IN § 16-228 OF THIS SUBTITLE,
6 A RELINQUISHMENT OF A MINOR TO AN AGENCY WHICH IS EXECUTED BY A PARENT
7 OR GUARDIAN IN SUBSTANTIAL COMPLIANCE WITH §§ 16-224 AND 16-225 OF THIS
8 SUBTITLE IS FINAL AND IRREVOCABLE AND:

9 (1) UNLESS A COURT ORDERS OTHERWISE TO PROTECT THE WELFARE
10 OF THE MINOR, ENTITLES THE AGENCY TO THE LEGAL CUSTODY OF THE MINOR
11 UNTIL A DECREE OF ADOPTION BECOMES FINAL;

12 (2) EMPOWERS THE AGENCY TO PLACE THE MINOR FOR ADOPTION,
13 CONSENT TO THE MINOR'S ADOPTION, AND DELEGATE TO A PROSPECTIVE
14 ADOPTIVE PARENT RESPONSIBILITY FOR THE SUPPORT AND MEDICAL AND OTHER
15 CARE OF THE MINOR;

16 (3) TERMINATES ANY DUTY OF THE INDIVIDUAL WHO EXECUTED THE
17 RELINQUISHMENT WITH RESPECT TO THE MINOR, EXCEPT FOR ARREARAGES OF
18 CHILD SUPPORT; AND

19 (4) TERMINATES ANY RIGHT OF THE INDIVIDUAL WHO EXECUTED THE
20 RELINQUISHMENT TO OBJECT TO THE MINOR'S ADOPTION AND, UNLESS OTHERWISE
21 PROVIDED IN THE RELINQUISHMENT, ANY RIGHT TO NOTICE OF THE PROCEEDING
22 FOR ADOPTION.

23 16-227.

24 (A) IN A DIRECT PLACEMENT OF A MINOR FOR ADOPTION BY A PARENT OR
25 GUARDIAN, A CONSENT IS REVOKED IF:

26 (1) WITHIN 192 HOURS AFTER THE BIRTH OF THE MINOR, A PARENT
27 WHO EXECUTED THE CONSENT NOTIFIES IN WRITING THE PROSPECTIVE ADOPTIVE
28 PARENT, OR THE ADOPTIVE PARENT'S LAWYER, THAT THE PARENT REVOKES THE
29 CONSENT, OR THE PARENT COMPLIES WITH ANY OTHER INSTRUCTIONS FOR
30 REVOCATION SPECIFIED IN THE CONSENT; OR

31 (2) THE INDIVIDUAL WHO EXECUTED THE CONSENT AND THE
32 PROSPECTIVE ADOPTIVE PARENT NAMED OR DESCRIBED IN THE CONSENT AGREE
33 TO ITS REVOCATION.

34 (B) IN A DIRECT PLACEMENT OF A MINOR FOR ADOPTION BY A PARENT OR
35 GUARDIAN, THE COURT SHALL SET ASIDE THE CONSENT IF THE INDIVIDUAL WHO
36 EXECUTED THE CONSENT ESTABLISHES:

37 (1) BY CLEAR AND CONVINCING EVIDENCE, BEFORE A DECREE OF
38 ADOPTION IS ISSUED, THAT THE CONSENT WAS OBTAINED BY FRAUD OR DURESS;

39 (2) BY A PREPONDERANCE OF THE EVIDENCE BEFORE A DECREE OF
40 ADOPTION IS ISSUED THAT, WITHOUT GOOD CAUSE SHOWN, A PETITION TO ADOPT

23

1 WAS NOT FILED WITHIN 60 DAYS AFTER THE MINOR WAS PLACED FOR ADOPTION;
2 OR

3 (3) BY A PREPONDERANCE OF THE EVIDENCE, THAT A CONDITION
4 PERMITTING REVOCATION HAS OCCURRED, AS EXPRESSLY PROVIDED FOR IN THE
5 CONSENT PURSUANT TO § 16-225 OF THIS SUBTITLE.

6 (C) IF THE CONSENT OF AN INDIVIDUAL WHO HAD LEGAL AND PHYSICAL
7 CUSTODY OF A MINOR WHEN THE MINOR WAS PLACED FOR ADOPTION OR WHEN
8 THE CONSENT WAS EXECUTED IS REVOKED, THE PROSPECTIVE ADOPTIVE PARENT
9 SHALL IMMEDIATELY RETURN THE MINOR TO THE INDIVIDUAL'S CUSTODY AND
10 MOVE TO DISMISS A PROCEEDING FOR ADOPTION OR TERMINATION OF THE
11 INDIVIDUAL'S PARENTAL RELATIONSHIP TO THE MINOR. IF THE MINOR IS NOT
12 RETURNED IMMEDIATELY, THE INDIVIDUAL MAY PETITION THE COURT NAMED IN
13 THE CONSENT FOR APPROPRIATE RELIEF. THE COURT SHALL HEAR THE PETITION
14 EXPEDITIOUSLY.

15 (D) IF THE CONSENT OF AN INDIVIDUAL WHO HAD LEGAL AND PHYSICAL
16 CUSTODY OF A MINOR WHEN THE MINOR WAS PLACED FOR ADOPTION OR THE
17 CONSENT WAS EXECUTED IS SET ASIDE UNDER SUBSECTION (B)(1) OF THIS SECTION,
18 THE COURT SHALL ORDER THE RETURN OF THE MINOR TO THE CUSTODY OF THE
19 INDIVIDUAL AND DISMISS A PROCEEDING FOR ADOPTION.

20 (E) IF THE CONSENT OF AN INDIVIDUAL WHO HAD LEGAL AND PHYSICAL
21 CUSTODY OF A MINOR WHEN THE MINOR WAS PLACED FOR ADOPTION OR THE
22 CONSENT WAS EXECUTED IS SET ASIDE UNDER SUBSECTION (B)(2) OR (3) OF THIS
23 SECTION AND NO GROUND EXISTS UNDER SUBTITLE 3, PART V OF THIS TITLE FOR
24 TERMINATING THE RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
25 INDIVIDUAL AND THE MINOR, THE COURT SHALL DISMISS A PROCEEDING FOR
26 ADOPTION AND ORDER THE RETURN OF THE MINOR TO THE CUSTODY OF THE
27 INDIVIDUAL UNLESS THE COURT FINDS THAT RETURN WILL BE DETRIMENTAL TO
28 THE MINOR.

29 (F) IF THE CONSENT OF AN INDIVIDUAL WHO DID NOT HAVE PHYSICAL
30 CUSTODY OF A MINOR WHEN THE MINOR WAS PLACED FOR ADOPTION OR WHEN
31 THE CONSENT WAS EXECUTED IS REVOKED OR SET ASIDE AND NO GROUND EXISTS
32 UNDER SUBTITLE 3, PART V OF THIS TITLE, FOR TERMINATING THE RELATIONSHIP
33 OF PARENT AND CHILD BETWEEN THE INDIVIDUAL AND THE MINOR, THE COURT
34 SHALL DISMISS A PROCEEDING FOR ADOPTION AND ISSUE AN ORDER PROVIDING
35 FOR THE CARE AND CUSTODY OF THE MINOR ACCORDING TO THE BEST INTEREST
36 OF THE MINOR.

37 16-228.

38 (A) A RELINQUISHMENT IS REVOKED IF:

39 (1) WITHIN 192 HOURS AFTER THE BIRTH OF THE MINOR, A PARENT
40 WHO EXECUTED THE RELINQUISHMENT GIVES WRITTEN NOTICE TO THE AGENCY
41 THAT ACCEPTED IT, THAT THE PARENT REVOKES THE RELINQUISHMENT, OR THE
42 PARENT COMPLIES WITH ANY OTHER INSTRUCTIONS FOR REVOCATION SPECIFIED
43 IN THE RELINQUISHMENT; OR

1 (2) THE INDIVIDUAL WHO EXECUTED THE RELINQUISHMENT AND THE
2 AGENCY THAT ACCEPTED IT AGREE TO ITS REVOCATION.

3 (B) THE COURT SHALL SET ASIDE A RELINQUISHMENT IF THE INDIVIDUAL
4 WHO EXECUTED THE RELINQUISHMENT ESTABLISHES:

5 (1) BY CLEAR AND CONVINCING EVIDENCE, BEFORE A DECREE OF
6 ADOPTION IS ISSUED, THAT THE RELINQUISHMENT WAS OBTAINED BY FRAUD OR
7 DURESS; OR

8 (2) BY A PREPONDERANCE OF THE EVIDENCE, THAT A CONDITION
9 PERMITTING REVOCATION HAS OCCURRED, AS EXPRESSLY PROVIDED FOR IN THE
10 RELINQUISHMENT PURSUANT TO § 16-225 OF THIS SUBTITLE.

11 (C) IF A RELINQUISHMENT BY AN INDIVIDUAL WHO HAD LEGAL AND
12 PHYSICAL CUSTODY OF A MINOR WHEN THE RELINQUISHMENT WAS EXECUTED IS
13 REVOKED, THE AGENCY SHALL IMMEDIATELY RETURN THE MINOR TO THE
14 INDIVIDUAL'S CUSTODY AND MOVE TO DISMISS A PROCEEDING FOR ADOPTION. IF
15 THE MINOR IS NOT RETURNED IMMEDIATELY, THE INDIVIDUAL MAY PETITION THE
16 COURT NAMED IN THE RELINQUISHMENT FOR APPROPRIATE RELIEF. THE COURT
17 SHALL HEAR THE PETITION EXPEDITIOUSLY.

18 (D) IF A RELINQUISHMENT BY AN INDIVIDUAL WHO HAD LEGAL AND
19 PHYSICAL CUSTODY OF A MINOR WHEN THE RELINQUISHMENT WAS EXECUTED IS
20 SET ASIDE UNDER SUBSECTION (B)(1) OF THIS SECTION, THE COURT SHALL DISMISS
21 A PROCEEDING FOR ADOPTION AND ORDER THE RETURN OF THE MINOR TO THE
22 CUSTODY OF THE INDIVIDUAL.

23 (E) IF A RELINQUISHMENT BY AN INDIVIDUAL WHO HAD LEGAL AND
24 PHYSICAL CUSTODY OF A MINOR WHEN THE RELINQUISHMENT WAS EXECUTED IS
25 SET ASIDE UNDER SUBSECTION (B)(2) OF THIS SECTION AND NO GROUND EXISTS
26 UNDER SUBTITLE 3, PART V OF THIS TITLE FOR TERMINATING THE RELATIONSHIP
27 OF PARENT AND CHILD BETWEEN THE INDIVIDUAL AND THE MINOR, THE COURT
28 SHALL DISMISS A PROCEEDING FOR ADOPTION AND ORDER THE RETURN OF THE
29 MINOR TO THE CUSTODY OF THE INDIVIDUAL UNLESS THE COURT FINDS THAT
30 RETURN WILL BE DETRIMENTAL TO THE MINOR.

31 (F) IF A RELINQUISHMENT BY AN INDIVIDUAL WHO DID NOT HAVE PHYSICAL
32 CUSTODY OF A MINOR WHEN THE RELINQUISHMENT WAS EXECUTED IS REVOKED
33 OR SET ASIDE AND NO GROUND EXISTS UNDER SUBTITLE 3, PART V OF THIS TITLE
34 FOR TERMINATING THE RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
35 INDIVIDUAL AND THE MINOR, THE COURT SHALL DISMISS A PROCEEDING FOR
36 ADOPTION AND SHALL ISSUE AN ORDER PROVIDING FOR THE CARE AND CUSTODY
37 OF THE MINOR ACCORDING TO THE BEST INTEREST OF THE MINOR.

25

1 SUBTITLE 3. GENERAL PROCEDURE FOR ADOPTION OF MINORS.

2 PART I. JURISDICTION AND VENUE.

3 16-301.

4 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS
5 SECTION, A COURT OF THIS STATE HAS JURISDICTION OVER A PROCEEDING FOR
6 THE ADOPTION OF A MINOR COMMENCED UNDER THIS TITLE IF:

7 (1) IMMEDIATELY BEFORE COMMENCEMENT OF THE PROCEEDING,
8 THE MINOR LIVED IN THIS STATE WITH A PARENT, A GUARDIAN, A PROSPECTIVE
9 ADOPTIVE PARENT, OR ANOTHER PERSON ACTING AS PARENT, FOR AT LEAST 6
10 CONSECUTIVE MONTHS, EXCLUDING PERIODS OF TEMPORARY ABSENCE, OR, IN THE
11 CASE OF A MINOR UNDER 6 MONTHS OF AGE, LIVED IN THIS STATE FROM SOON
12 AFTER BIRTH WITH ANY OF THOSE INDIVIDUALS AND THERE IS AVAILABLE IN THIS
13 STATE SUBSTANTIAL EVIDENCE CONCERNING THE MINOR'S PRESENT OR FUTURE
14 CARE;

15 (2) IMMEDIATELY BEFORE COMMENCEMENT OF THE PROCEEDING,
16 THE PROSPECTIVE ADOPTIVE PARENT LIVED IN THIS STATE FOR AT LEAST 6
17 CONSECUTIVE MONTHS, EXCLUDING PERIODS OF TEMPORARY ABSENCE, AND
18 THERE IS AVAILABLE IN THIS STATE SUBSTANTIAL EVIDENCE CONCERNING THE
19 MINOR'S PRESENT OR FUTURE CARE;

20 (3) THE AGENCY THAT PLACED THE MINOR FOR ADOPTION IS LOCATED
21 IN THIS STATE AND IT IS IN THE BEST INTEREST OF THE MINOR THAT A COURT OF
22 THIS STATE ASSUME JURISDICTION BECAUSE:

23 (I) THE MINOR AND THE MINOR'S PARENTS, OR THE MINOR AND
24 THE PROSPECTIVE ADOPTIVE PARENT, HAVE A SIGNIFICANT CONNECTION WITH
25 THIS STATE; AND

26 (II) THERE IS AVAILABLE IN THIS STATE SUBSTANTIAL EVIDENCE
27 CONCERNING THE MINOR'S PRESENT OR FUTURE CARE;

28 (4) THE MINOR AND THE PROSPECTIVE ADOPTIVE PARENT ARE
29 PHYSICALLY PRESENT IN THIS STATE AND THE MINOR HAS BEEN ABANDONED OR IT
30 IS NECESSARY IN AN EMERGENCY TO PROTECT THE MINOR BECAUSE THE MINOR
31 HAS BEEN SUBJECTED TO OR THREATENED WITH MISTREATMENT OR ABUSE OR IS
32 OTHERWISE NEGLECTED; OR

33 (5) IT APPEARS THAT NO OTHER STATE WOULD HAVE JURISDICTION
34 UNDER PREREQUISITES SUBSTANTIALLY IN ACCORDANCE WITH PARAGRAPHS (1)
35 THROUGH (4) OF THIS SUBSECTION, OR ANOTHER STATE HAS DECLINED TO
36 EXERCISE JURISDICTION ON THE GROUND THAT THIS STATE IS THE MORE
37 APPROPRIATE FORUM TO HEAR A PETITION FOR ADOPTION OF THE MINOR, AND IT
38 IS IN THE BEST INTEREST OF THE MINOR THAT A COURT OF THIS STATE ASSUME
39 JURISDICTION.

40 (B) A COURT OF THIS STATE MAY NOT EXERCISE JURISDICTION OVER A
41 PROCEEDING FOR ADOPTION OF A MINOR IF AT THE TIME THE PETITION FOR

26

1 ADOPTION IS FILED A PROCEEDING CONCERNING THE CUSTODY OR ADOPTION OF
2 THE MINOR IS PENDING IN A COURT OF ANOTHER STATE EXERCISING
3 JURISDICTION SUBSTANTIALLY IN CONFORMITY WITH THE UNIFORM CHILD
4 CUSTODY JURISDICTION ACT OR THIS TITLE UNLESS THE PROCEEDING IS STAYED
5 BY THE COURT OF THE OTHER STATE.

6 (C) IF A COURT OF ANOTHER STATE HAS ISSUED A DECREE OR ORDER
7 CONCERNING THE CUSTODY OF A MINOR WHO MAY BE THE SUBJECT OF A
8 PROCEEDING FOR ADOPTION IN THIS STATE, A COURT OF THIS STATE MAY NOT
9 EXERCISE JURISDICTION OVER A PROCEEDING FOR ADOPTION OF THE MINOR
10 UNLESS:

11 (1) THE COURT OF THIS STATE FINDS THAT THE COURT OF THE STATE
12 WHICH ISSUED THE DECREE OR ORDER:

13 (I) DOES NOT HAVE CONTINUING JURISDICTION TO MODIFY THE
14 DECREE OR ORDER UNDER JURISDICTIONAL PREREQUISITES SUBSTANTIALLY IN
15 ACCORDANCE WITH THE UNIFORM CHILD CUSTODY JURISDICTION ACT OR HAS
16 DECLINED TO ASSUME JURISDICTION TO MODIFY THE DECREE OR ORDER; OR

17 (II) DOES NOT HAVE JURISDICTION OVER A PROCEEDING FOR
18 ADOPTION SUBSTANTIALLY IN CONFORMITY WITH SUBSECTION (A)(1) THROUGH (4)
19 OF THIS SECTION OR HAS DECLINED TO ASSUME JURISDICTION OVER A
20 PROCEEDING FOR ADOPTION; AND

21 (2) THE COURT OF THIS STATE HAS JURISDICTION OVER THE
22 PROCEEDING.

23 16-302.

24 A PETITION FOR ADOPTION OF A MINOR MAY BE FILED IN THE COURT IN THE
25 COUNTY IN WHICH A PETITIONER LIVES, THE MINOR LIVES, OR AN OFFICE OF THE
26 AGENCY THAT PLACED THE MINOR IS LOCATED.

27 PART II. GENERAL PROCEDURAL PROVISIONS.

28 16-303.

29 (A) IN A PROCEEDING UNDER THIS TITLE WHICH MAY RESULT IN THE
30 TERMINATION OF A RELATIONSHIP OF PARENT AND CHILD, THE COURT SHALL
31 APPOINT A LAWYER FOR ANY INDIGENT, MINOR, OR INCOMPETENT INDIVIDUAL
32 WHO APPEARS IN THE PROCEEDING AND WHOSE PARENTAL RELATIONSHIP TO A
33 CHILD MAY BE TERMINATED, UNLESS THE COURT FINDS THAT THE MINOR OR
34 INCOMPETENT INDIVIDUAL HAS SUFFICIENT FINANCIAL MEANS TO HIRE A LAWYER,
35 OR THE INDIGENT INDIVIDUAL DECLINES TO BE REPRESENTED BY A LAWYER.

36 (B) THE COURT SHALL APPOINT A GUARDIAN AD LITEM FOR A MINOR
37 ADOPTEE IN A CONTESTED PROCEEDING UNDER THIS TITLE AND MAY APPOINT A
38 GUARDIAN AD LITEM FOR A MINOR ADOPTEE IN AN UNCONTESTED PROCEEDING.

27

1 16-304.

2 A PROCEEDING UNDER THIS TITLE FOR ADOPTION OR TERMINATION OF A
3 PARENTAL RELATIONSHIP MUST BE HEARD BY THE COURT WITHOUT A JURY.

4 16-305.

5 EXCEPT FOR A PROCEEDING PURSUANT TO SUBTITLE 7 OF THIS TITLE, A CIVIL
6 PROCEEDING UNDER THIS TITLE MUST BE HEARD IN CLOSED COURT.

7 16-306.

8 IN ORDER TO PROTECT THE WELFARE OF THE MINOR, THE COURT SHALL
9 MAKE AN INTERIM ORDER FOR CUSTODY OF A MINOR ADOPTEE ACCORDING TO
10 THE BEST INTEREST OF THE MINOR IN A CONTESTED PROCEEDING UNDER THIS
11 TITLE FOR ADOPTION OR TERMINATION OF A PARENTAL RELATIONSHIP AND MAY
12 MAKE AN INTERIM ORDER FOR CUSTODY IN AN UNCONTESTED PROCEEDING.

13 16-307.

14 BEFORE A DECREE OF ADOPTION IS ISSUED, A PETITIONER MAY NOT REMOVE
15 A MINOR ADOPTEE FOR MORE THAN 30 CONSECUTIVE DAYS FROM THE STATE IN
16 WHICH THE PETITIONER RESIDES WITHOUT THE PERMISSION OF THE COURT, IF THE
17 MINOR WAS PLACED DIRECTLY FOR ADOPTION, OR, IF AN AGENCY PLACED THE
18 MINOR FOR ADOPTION, THE PERMISSION OF THE AGENCY.

19 PART III. PETITION FOR ADOPTION OF MINOR.

20 16-308.

21 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
22 THE ONLY INDIVIDUALS WHO HAVE STANDING TO PETITION TO ADOPT A MINOR
23 UNDER THIS SUBTITLE ARE:

24 (1) AN INDIVIDUAL WITH WHOM A MINOR HAS BEEN PLACED FOR
25 ADOPTION OR WHO HAS BEEN SELECTED AS A PROSPECTIVE ADOPTIVE PARENT BY
26 A PERSON AUTHORIZED UNDER THIS TITLE TO PLACE THE MINOR FOR ADOPTION;
27 OR

28 (2) AN INDIVIDUAL WITH WHOM A MINOR HAS NOT BEEN PLACED FOR
29 ADOPTION OR WHO HAS NOT BEEN SELECTED OR REJECTED AS A PROSPECTIVE
30 ADOPTIVE PARENT PURSUANT TO SUBTITLE 2, PARTS I THROUGH III OF THIS TITLE
31 BUT WHO HAS HAD PHYSICAL CUSTODY OF THE MINOR FOR AT LEAST 6 MONTHS
32 IMMEDIATELY BEFORE SEEKING TO FILE A PETITION FOR ADOPTION AND IS
33 ALLOWED TO FILE THE PETITION BY THE COURT FOR GOOD CAUSE SHOWN.

34 (B) THE SPOUSE OF A PETITIONER MUST JOIN IN THE PETITION UNLESS
35 LEGALLY SEPARATED FROM THE PETITIONER OR JUDICIALLY DECLARED
36 INCOMPETENT.

37 (C) A PETITION FOR ADOPTION OF A MINOR STEPCHILD BY A STEPPARENT
38 MAY BE FILED UNDER SUBTITLE 4 OF THIS TITLE AND A PETITION FOR ADOPTION
39 OF AN EMANCIPATED MINOR MAY BE FILED UNDER SUBTITLE 5 OF THIS TITLE.

28

1 16-309.

2 UNLESS THE COURT ALLOWS A LATER FILING, A PROSPECTIVE ADOPTIVE
3 PARENT WITH STANDING UNDER § 16-308(A)(1) OF THIS SUBTITLE SHALL FILE A
4 PETITION FOR ADOPTION NO LATER THAN 30 DAYS AFTER A MINOR IS PLACED FOR
5 ADOPTION WITH THAT INDIVIDUAL.

6 16-310.

7 THE CAPTION OF A PETITION FOR ADOPTION OF A MINOR MUST CONTAIN THE
8 NAME OF OR A PSEUDONYM FOR THE MINOR ADOPTEE. THE CAPTION MAY NOT
9 CONTAIN THE NAME OF THE PETITIONER.

10 16-311.

11 (A) A PETITION FOR ADOPTION OF A MINOR MUST BE SIGNED AND VERIFIED
12 BY THE PETITIONER AND CONTAIN THE FOLLOWING INFORMATION OR STATE WHY
13 ANY OF THE INFORMATION OMITTED IS NOT CONTAINED IN THE PETITION:

14 (1) THE FULL NAME, AGE, AND PLACE AND DURATION OF RESIDENCE
15 OF THE PETITIONER;

16 (2) THE CURRENT MARITAL STATUS OF THE PETITIONER, INCLUDING
17 THE DATE AND PLACE OF ANY MARRIAGE, THE DATE OF ANY LEGAL SEPARATION
18 OR DIVORCE, AND THE DATE OF ANY JUDICIAL DETERMINATION THAT A
19 PETITIONER'S SPOUSE IS INCOMPETENT;

20 (3) THAT THE PETITIONER HAS FACILITIES AND RESOURCES TO
21 PROVIDE FOR THE CARE AND SUPPORT OF THE MINOR;

22 (4) THAT A PREPLACEMENT EVALUATION CONTAINING A FINDING
23 THAT THE PETITIONER IS SUITED TO BE AN ADOPTIVE PARENT HAS BEEN
24 PREPARED OR UPDATED WITHIN THE 18 MONTHS NEXT PRECEDING THE
25 PLACEMENT, OR THAT THE ABSENCE OF A PREPLACEMENT EVALUATION HAS BEEN
26 EXCUSED BY A COURT FOR GOOD CAUSE SHOWN OR IS NOT REQUIRED UNDER §
27 16-209 OF THIS TITLE;

28 (5) THE FIRST NAME, SEX, AND DATE, OR APPROXIMATE DATE, AND
29 PLACE OF BIRTH OF THE MINOR ADOPTEE AND A STATEMENT THAT THE MINOR IS
30 OR IS NOT AN INDIAN CHILD AS DEFINED IN THE INDIAN CHILD WELFARE ACT, 25
31 U.S.C. SECTIONS 1901 ET SEQ.;

32 (6) THE CIRCUMSTANCES UNDER WHICH THE PETITIONER OBTAINED
33 PHYSICAL CUSTODY OF THE MINOR, INCLUDING THE DATE OF PLACEMENT OF THE
34 MINOR WITH THE PETITIONER FOR ADOPTION AND THE NAME OF THE AGENCY OR
35 THE NAME OR RELATIONSHIP TO THE MINOR OF THE INDIVIDUAL THAT PLACED
36 THE MINOR;

37 (7) THE LENGTH OF TIME THE MINOR HAS BEEN IN THE CUSTODY OF
38 THE PETITIONER AND, IF THE MINOR IS NOT IN THE PHYSICAL CUSTODY OF THE
39 PETITIONER, THE REASON WHY THE PETITIONER DOES NOT HAVE CUSTODY AND
40 THE DATE AND MANNER IN WHICH THE PETITIONER INTENDS TO OBTAIN CUSTODY;

29

1 (8) A DESCRIPTION AND ESTIMATE OF THE VALUE OF ANY PROPERTY
2 OF THE MINOR;

3 (9) THAT ANY LAW GOVERNING INTERSTATE OR INTERCOUNTRY
4 PLACEMENT WAS COMPLIED WITH;

5 (10) THE NAME OR RELATIONSHIP TO THE MINOR OF ANY INDIVIDUAL
6 WHO HAS EXECUTED A CONSENT OR RELINQUISHMENT TO THE ADOPTION OR A
7 DISCLAIMER OF PATERNAL INTEREST, AND THE NAME OR RELATIONSHIP TO THE
8 MINOR OF ANY INDIVIDUAL WHOSE CONSENT OR RELINQUISHMENT MAY BE
9 REQUIRED, BUT WHOSE PARENTAL RELATIONSHIP HAS NOT BEEN TERMINATED,
10 AND ANY FACT OR CIRCUMSTANCE THAT MAY EXCUSE THE LACK OF CONSENT;

11 (11) THAT A PREVIOUS PETITION BY THE PETITIONER TO ADOPT HAS OR
12 HAS NOT BEEN MADE IN ANY COURT, AND ITS DISPOSITION; AND

13 (12) A DESCRIPTION OF ANY PREVIOUS COURT ORDER OR PENDING
14 PROCEEDING KNOWN TO THE PETITIONER CONCERNING CUSTODY OF OR
15 VISITATION WITH THE MINOR AND ANY OTHER FACT KNOWN TO THE PETITIONER
16 AND NEEDED TO ESTABLISH THE JURISDICTION OF THE COURT.

17 (B) THE PETITIONER SHALL REQUEST IN THE PETITION:

18 (1) THAT THE PETITIONER BE PERMITTED TO ADOPT THE MINOR AS
19 THE PETITIONER'S CHILD;

20 (2) THAT THE COURT APPROVE THE FULL NAME BY WHICH THE MINOR
21 IS TO BE KNOWN IF THE PETITION IS GRANTED; AND

22 (3) ANY OTHER RELIEF SOUGHT BY THE PETITIONER.

23 16-312.

24 (A) BEFORE THE HEARING ON A PETITION FOR ADOPTION, THE FOLLOWING
25 MUST BE FILED:

26 (1) A CERTIFIED COPY OF THE BIRTH CERTIFICATE OR OTHER RECORD
27 OF THE DATE AND PLACE OF BIRTH OF THE MINOR ADOPTEE;

28 (2) ANY CONSENT, RELINQUISHMENT, OR DISCLAIMER OF PATERNAL
29 INTEREST WITH RESPECT TO THE MINOR THAT HAS BEEN EXECUTED, AND ANY
30 WRITTEN CERTIFICATIONS REQUIRED BY § 16-224(D) AND (G) OF THIS TITLE FROM
31 THE INDIVIDUAL BEFORE WHOM A CONSENT OR RELINQUISHMENT WAS
32 EXECUTED;

33 (3) A CERTIFIED COPY OF ANY COURT ORDER TERMINATING THE
34 RIGHTS AND DUTIES OF THE MINOR'S PARENTS OR GUARDIAN;

35 (4) A CERTIFIED COPY OF EACH PARENT'S OR FORMER PARENT'S
36 MARRIAGE CERTIFICATE, DECREE OF DIVORCE, ANNULMENT, OR DISSOLUTION, OR
37 AGREEMENT OR DECREE OF LEGAL SEPARATION, AND A CERTIFIED COPY OF ANY
38 COURT ORDER DETERMINING THE PARENT'S OR FORMER PARENT'S
39 INCOMPETENCE;

30

1 (5) A CERTIFIED COPY OF ANY EXISTING COURT ORDER OR THE
2 PETITION IN ANY PENDING PROCEEDING CONCERNING CUSTODY OF OR VISITATION
3 WITH THE MINOR;

4 (6) A COPY OF THE PREPLACEMENT EVALUATION AND OF THE
5 EVALUATION DURING THE PENDENCY OF THE PROCEEDING FOR ADOPTION;

6 (7) A COPY OF ANY REPORT CONTAINING THE INFORMATION
7 REQUIRED BY § 16-206 OF THIS TITLE;

8 (8) A DOCUMENT SIGNED PURSUANT TO § 16-223(E) OF THIS TITLE;

9 (9) A CERTIFIED COPY OF THE PETITIONER'S MARRIAGE CERTIFICATE,
10 DECREE OF DIVORCE, ANNULMENT, OR DISSOLUTION, OR AGREEMENT OR DECREE
11 OF LEGAL SEPARATION, AND A CERTIFIED COPY OF ANY COURT ORDER
12 DETERMINING THE INCOMPETENCE OF THE PETITIONER'S SPOUSE;

13 (10) A COPY OF ANY AGREEMENT WITH A PUBLIC AGENCY TO PROVIDE
14 A SUBSIDY FOR THE BENEFIT OF A MINOR ADOPTEE WITH A SPECIAL NEED;

15 (11) IF AN AGENCY PLACED THE MINOR ADOPTEE, A VERIFIED
16 DOCUMENT FROM THE AGENCY STATING:

17 (I) THE CIRCUMSTANCES UNDER WHICH IT OBTAINED CUSTODY
18 OF THE MINOR FOR PURPOSES OF ADOPTION;

19 (II) THAT IT COMPLIED WITH ANY PROVISION OF LAW GOVERNING
20 AN INTERSTATE OR INTERCOUNTRY PLACEMENT OF THE MINOR;

21 (III) THE NAME OR RELATIONSHIP TO THE MINOR OF ANY
22 INDIVIDUAL WHOSE CONSENT IS REQUIRED, BUT WHO HAS NOT EXECUTED A
23 CONSENT OR A RELINQUISHMENT OR WHOSE PARENTAL RELATIONSHIP HAS NOT
24 BEEN TERMINATED, AND ANY FACT OR CIRCUMSTANCE THAT MAY EXCUSE THE
25 LACK OF CONSENT OR RELINQUISHMENT; AND

26 (IV) WHETHER IT HAS EXECUTED ITS CONSENT TO THE PROPOSED
27 ADOPTION AND WHETHER IT WAIVES NOTICE OF THE PROCEEDING; AND

28 (12) THE NAME AND ADDRESS, IF KNOWN, OF ANY PERSON WHO IS
29 ENTITLED TO RECEIVE NOTICE OF THE PROCEEDING FOR ADOPTION.

30 (B) IF AN ITEM REQUIRED BY SUBSECTION (A) OF THIS SECTION IS NOT
31 AVAILABLE, THE PERSON RESPONSIBLE FOR FURNISHING THE ITEM SHALL FILE AN
32 AFFIDAVIT EXPLAINING ITS ABSENCE.

33 PART IV. NOTICE OF PENDENCY OF PROCEEDING.

34 16-313.

35 (A) UNLESS NOTICE HAS BEEN WAIVED, NOTICE OF A PROCEEDING FOR
36 ADOPTION OF A MINOR MUST BE SERVED, WITHIN 20 DAYS AFTER A PETITION FOR
37 ADOPTION IS FILED, UPON:

31

1 (1) AN INDIVIDUAL WHOSE CONSENT TO THE ADOPTION IS REQUIRED
2 UNDER § 16-220 OF THIS TITLE, BUT NOTICE NEED NOT BE SERVED UPON AN
3 INDIVIDUAL WHOSE PARENTAL RELATIONSHIP TO THE MINOR OR WHOSE STATUS
4 AS A GUARDIAN HAS BEEN TERMINATED;

5 (2) AN AGENCY WHOSE CONSENT TO THE ADOPTION IS REQUIRED
6 UNDER § 16-220 OF THIS TITLE;

7 (3) AN INDIVIDUAL WHOM THE PETITIONER KNOWS IS CLAIMING TO BE
8 OR WHO IS NAMED AS THE FATHER OR POSSIBLE FATHER OF THE MINOR ADOPTEE
9 AND WHOSE PATERNITY OF THE MINOR HAS NOT BEEN JUDICIALLY DETERMINED,
10 BUT NOTICE NEED NOT BE SERVED UPON A MAN WHO HAS EXECUTED A VERIFIED
11 STATEMENT, AS DESCRIBED IN § 16-221(A)(4) OF THIS TITLE, DENYING PATERNITY OR
12 DISCLAIMING ANY INTEREST IN THE MINOR;

13 (4) AN INDIVIDUAL OTHER THAN THE PETITIONER WHO HAS LEGAL OR
14 PHYSICAL CUSTODY OF THE MINOR ADOPTEE OR WHO HAS A RIGHT OF VISITATION
15 WITH THE MINOR UNDER AN EXISTING COURT ORDER ISSUED BY A COURT IN THIS
16 OR ANOTHER STATE;

17 (5) THE SPOUSE OF THE PETITIONER IF THE SPOUSE HAS NOT JOINED IN
18 THE PETITION; AND

19 (6) A GRANDPARENT OF A MINOR ADOPTEE IF THE GRANDPARENT'S
20 CHILD IS A DECEASED PARENT OF THE MINOR AND, BEFORE DEATH, THE DECEASED
21 PARENT HAD NOT EXECUTED A CONSENT OR RELINQUISHMENT OR THE DECEASED
22 PARENT'S PARENTAL RELATIONSHIP TO THE MINOR HAD NOT BEEN TERMINATED.

23 (B) THE COURT SHALL REQUIRE NOTICE OF A PROCEEDING FOR ADOPTION
24 OF A MINOR TO BE SERVED UPON ANY PERSON THE COURT FINDS, AT ANY TIME
25 DURING THE PROCEEDING, IS:

26 (1) A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION WHO
27 HAS NOT BEEN GIVEN NOTICE;

28 (2) AN INDIVIDUAL WHO HAS REVOKED A CONSENT OR
29 RELINQUISHMENT PURSUANT TO § 16-227(A) OR § 16-228(A) OF THIS TITLE OR IS
30 ATTEMPTING TO HAVE A CONSENT OR RELINQUISHMENT SET ASIDE PURSUANT TO §
31 16-227(B) OR § 16-228(B) OF THIS TITLE; OR

32 (3) A PERSON WHO, ON THE BASIS OF A PREVIOUS RELATIONSHIP WITH
33 THE MINOR ADOPTEE, A PARENT, AN ALLEGED PARENT, OR THE PETITIONER, CAN
34 PROVIDE INFORMATION THAT IS RELEVANT TO THE PROPOSED ADOPTION AND
35 THAT THE COURT IN ITS DISCRETION WANTS TO HEAR.

36 16-314.

37 A NOTICE REQUIRED BY § 16-313 OF THIS SUBTITLE MUST USE A PSEUDONYM
38 FOR A PETITIONER OR ANY INDIVIDUAL NAMED IN THE PETITION FOR ADOPTION
39 WHO HAS NOT WAIVED CONFIDENTIALITY AND MUST CONTAIN:

40 (1) THE CAPTION OF THE PETITION;

32

1 (2) THE ADDRESS AND TELEPHONE NUMBER OF THE COURT WHERE
2 THE PETITION IS PENDING;

3 (3) A CONCISE SUMMARY OF THE RELIEF REQUESTED IN THE PETITION;

4 (4) THE NAME, MAILING ADDRESS, AND TELEPHONE NUMBER OF THE
5 PETITIONER OR PETITIONER'S LAWYER;

6 (5) A CONSPICUOUS STATEMENT OF THE METHOD OF RESPONDING TO
7 THE NOTICE OF THE PROCEEDING FOR ADOPTION AND THE CONSEQUENCES OF
8 FAILURE TO RESPOND; AND

9 (6) ANY STATEMENT REQUIRED BY OTHER APPLICABLE LAW OR RULE.

10 16-315.

11 (A) PERSONAL SERVICE OF THE NOTICE REQUIRED BY § 16-313 OF THIS
12 SUBTITLE MUST BE MADE IN A MANNER APPROPRIATE UNDER THE RULES OF CIVIL
13 PROCEDURE FOR THE SERVICE OF PROCESS IN A CIVIL ACTION IN THIS STATE
14 UNLESS THE COURT OTHERWISE DIRECTS.

15 (B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
16 A PERSON WHO FAILS TO RESPOND TO THE NOTICE WITHIN 20 DAYS AFTER ITS
17 SERVICE MAY NOT APPEAR IN OR RECEIVE FURTHER NOTICE OF THE PROCEEDING
18 FOR ADOPTION.

19 (C) AN INDIVIDUAL WHO IS A RESPONDENT IN A PETITION TO TERMINATE
20 THE RELATIONSHIP OF PARENT AND CHILD PURSUANT TO PART V OF THIS
21 SUBTITLE WHICH IS SERVED UPON THE INDIVIDUAL WITH THE NOTICE REQUIRED
22 BY § 16-313 OF THIS SUBTITLE MAY NOT APPEAR IN OR RECEIVE FURTHER NOTICE
23 OF THE PROCEEDING FOR ADOPTION OR FOR TERMINATION UNLESS THE
24 INDIVIDUAL RESPONDS TO THE NOTICE AS REQUIRED BY § 16-321 OF THIS SUBTITLE.

25 16-316.

26 (A) IF, AT ANY TIME IN A PROCEEDING FOR ADOPTION OR FOR
27 TERMINATION OF A RELATIONSHIP OF PARENT AND CHILD UNDER PART V OF THIS
28 SUBTITLE, THE COURT FINDS THAT AN UNKNOWN FATHER OF A MINOR ADOPTEE
29 MAY NOT HAVE RECEIVED NOTICE, THE COURT SHALL DETERMINE WHETHER HE
30 CAN BE IDENTIFIED. THE DETERMINATION MUST BE BASED ON EVIDENCE THAT
31 INCLUDES INQUIRY OF APPROPRIATE PERSONS IN AN EFFORT TO IDENTIFY AN
32 UNKNOWN FATHER FOR THE PURPOSE OF PROVIDING NOTICE.

33 (B) THE INQUIRY REQUIRED BY SUBSECTION (A) OF THIS SECTION MUST
34 INCLUDE WHETHER:

35 (1) THE WOMAN WHO GAVE BIRTH TO THE MINOR ADOPTEE WAS
36 MARRIED AT THE PROBABLE TIME OF CONCEPTION OF THE MINOR, OR AT A LATER
37 TIME;

38 (2) THE WOMAN WAS COHABITATING WITH A MAN AT THE PROBABLE
39 TIME OF CONCEPTION OF THE MINOR;

1 (3) THE WOMAN HAS RECEIVED PAYMENTS OR PROMISES OF SUPPORT,
2 OTHER THAN FROM A GOVERNMENTAL AGENCY, WITH RESPECT TO THE MINOR OR
3 BECAUSE OF HER PREGNANCY;

4 (4) THE WOMAN HAS NAMED ANY INDIVIDUAL AS THE FATHER ON THE
5 BIRTH CERTIFICATE OF THE MINOR OR IN CONNECTION WITH APPLYING FOR OR
6 RECEIVING PUBLIC ASSISTANCE; AND

7 (5) ANY INDIVIDUAL HAS FORMALLY OR INFORMALLY
8 ACKNOWLEDGED OR CLAIMED PATERNITY OF THE MINOR IN A JURISDICTION IN
9 WHICH THE WOMAN RESIDED DURING OR SINCE HER PREGNANCY, OR IN WHICH
10 THE MINOR HAS RESIDED OR RESIDES, AT THE TIME OF THE INQUIRY.

11 (C) IF INQUIRY PURSUANT TO SUBSECTION (B) OF THIS SECTION IDENTIFIES
12 AS THE FATHER OF THE MINOR AN INDIVIDUAL WHO HAS NOT RECEIVED NOTICE
13 OF THE PROCEEDING, THE COURT SHALL REQUIRE NOTICE TO BE SERVED UPON
14 HIM PURSUANT TO § 16-315 OF THIS SUBTITLE UNLESS SERVICE IS NOT POSSIBLE
15 BECAUSE HIS WHEREABOUTS ARE UNKNOWN.

16 (D) IF, AFTER INQUIRY PURSUANT TO SUBSECTION (B) OF THIS SECTION, THE
17 COURT FINDS THAT PERSONAL SERVICE CANNOT BE MADE UPON THE FATHER OF
18 THE MINOR BECAUSE HIS IDENTITY OR WHEREABOUTS IS UNKNOWN, THE COURT
19 SHALL ORDER PUBLICATION OR PUBLIC POSTING OF THE NOTICE ONLY IF, ON THE
20 BASIS OF ALL INFORMATION AVAILABLE, THE COURT DETERMINES THAT
21 PUBLICATION OR POSTING IS LIKELY TO LEAD TO RECEIPT OF NOTICE BY THE
22 FATHER. IF THE COURT DETERMINES THAT PUBLICATION OR POSTING IS NOT
23 LIKELY TO LEAD TO RECEIPT OF NOTICE, THE COURT MAY DISPENSE WITH THE
24 PUBLICATION OR POSTING OF A NOTICE.

25 (E) IF, IN AN INQUIRY PURSUANT TO THIS SECTION, THE WOMAN WHO GAVE
26 BIRTH TO THE MINOR ADOPTEE FAILS TO DISCLOSE THE IDENTITY OF A POSSIBLE
27 FATHER OR REVEAL HIS WHEREABOUTS, SHE MUST BE ADVISED THAT THE
28 PROCEEDING FOR ADOPTION MAY BE DELAYED OR SUBJECT TO CHALLENGE IF A
29 POSSIBLE FATHER IS NOT GIVEN NOTICE OF THE PROCEEDING, THAT THE LACK OF
30 INFORMATION ABOUT THE FATHER'S MEDICAL AND GENETIC HISTORY MAY BE
31 DETRIMENTAL TO THE ADOPTEE, AND THAT SHE IS SUBJECT TO A CIVIL PENALTY IF
32 SHE KNOWINGLY MISIDENTIFIED THE FATHER.

33 16-317.

34 (A) A PERSON ENTITLED TO RECEIVE NOTICE REQUIRED UNDER THIS TITLE
35 MAY WAIVE THE NOTICE BEFORE THE COURT OR IN A CONSENT, RELINQUISHMENT,
36 OR OTHER DOCUMENT SIGNED BY THE PERSON.

37 (B) EXCEPT FOR THE PURPOSE OF MOVING TO REVOKE A CONSENT OR
38 RELINQUISHMENT ON THE GROUND THAT IT WAS OBTAINED BY FRAUD OR DURESS,
39 A PERSON WHO HAS WAIVED NOTICE MAY NOT APPEAR IN THE PROCEEDING FOR
40 ADOPTION.

34

1 PART V. PETITION TO TERMINATE RELATIONSHIP BETWEEN PARENT AND CHILD.

2 16-318.

3 A PETITION TO TERMINATE THE RELATIONSHIP BETWEEN A PARENT OR AN
4 ALLEGED PARENT AND A MINOR CHILD MAY BE FILED IN A PROCEEDING FOR
5 ADOPTION UNDER THIS TITLE BY:

6 (1) A PARENT OR A GUARDIAN WHO HAS SELECTED A PROSPECTIVE
7 ADOPTIVE PARENT FOR A MINOR AND WHO INTENDS TO PLACE, OR HAS PLACED,
8 THE MINOR WITH THAT INDIVIDUAL;

9 (2) A PARENT WHOSE SPOUSE HAS FILED A PETITION UNDER SUBTITLE
10 4 OF THIS TITLE TO ADOPT THE PARENT'S MINOR CHILD;

11 (3) A PROSPECTIVE ADOPTIVE PARENT OF THE MINOR WHO HAS FILED
12 A PETITION TO ADOPT UNDER THIS SUBTITLE OR SUBTITLE 4 OF THIS TITLE; OR

13 (4) AN AGENCY THAT HAS SELECTED A PROSPECTIVE ADOPTIVE
14 PARENT FOR THE MINOR AND INTENDS TO PLACE, OR HAS PLACED, THE MINOR
15 WITH THAT INDIVIDUAL.

16 16-319.

17 (A) A PETITION UNDER THIS PART V OF THIS SUBTITLE MAY BE FILED AT ANY
18 TIME AFTER A PETITION FOR ADOPTION HAS BEEN FILED UNDER THIS SUBTITLE OR
19 SUBTITLE 4 OF THIS TITLE AND BEFORE ENTRY OF A DECREE OF ADOPTION.

20 (B) A PETITION UNDER THIS PART V OF THIS SUBTITLE MUST BE SIGNED AND
21 VERIFIED BY THE PETITIONER, BE FILED WITH THE COURT, AND STATE:

22 (1) THE NAME OR PSEUDONYM OF THE PETITIONER;

23 (2) THE NAME OF THE MINOR;

24 (3) THE NAME AND LAST KNOWN ADDRESS OF THE PARENT OR
25 ALLEGED PARENT WHOSE PARENTAL RELATIONSHIP TO THE MINOR IS TO BE
26 TERMINATED;

27 (4) THE FACTS AND CIRCUMSTANCES FORMING THE BASIS FOR THE
28 PETITION AND THE GROUNDS ON WHICH TERMINATION OF A PARENTAL
29 RELATIONSHIP IS SOUGHT;

30 (5) IF THE PETITIONER IS A PROSPECTIVE ADOPTIVE PARENT, THAT
31 THE PETITIONER INTENDS TO PROCEED WITH THE PETITION TO ADOPT THE MINOR
32 IF THE PETITION TO TERMINATE IS GRANTED; AND

33 (6) IF THE PETITIONER IS A PARENT, A GUARDIAN, OR AN AGENCY,
34 THAT THE PETITIONER HAS SELECTED THE PROSPECTIVE ADOPTIVE PARENT WHO
35 IS THE PETITIONER IN THE PROCEEDING FOR ADOPTION.

36 16-320.

37 (A) A PETITION TO TERMINATE UNDER THIS PART V OF THIS SUBTITLE AND A
38 NOTICE OF HEARING ON THE PETITION MUST BE SERVED UPON THE RESPONDENT,

35

1 WITH NOTICE OF THE PROCEEDING FOR ADOPTION, IN THE MANNER PRESCRIBED
2 IN §§ 16-315 AND 16-316 OF THIS SUBTITLE.

3 (B) THE NOTICE OF A HEARING MUST INFORM THE RESPONDENT OF THE
4 METHOD FOR RESPONDING AND THAT:

5 (1) THE RESPONDENT HAS A RIGHT TO BE REPRESENTED BY A LAWYER
6 AND MAY BE ENTITLED TO HAVE A LAWYER APPOINTED BY THE COURT; AND

7 (2) FAILURE TO RESPOND WITHIN 20 DAYS AFTER SERVICE AND, IN THE
8 CASE OF AN ALLEGED FATHER, FAILURE TO FILE A CLAIM OF PATERNITY WITHIN 20
9 DAYS AFTER SERVICE UNLESS A CLAIM OF PATERNITY IS PENDING, WILL RESULT IN
10 TERMINATION OF THE RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
11 RESPONDENT AND THE MINOR UNLESS THE PROCEEDING FOR ADOPTION IS
12 DISMISSED.

13 16-321.

14 (A) IF THE RESPONDENT IS SERVED WITH A PETITION TO TERMINATE UNDER
15 THIS PART V OF THIS SUBTITLE AND THE ACCOMPANYING NOTICE AND DOES NOT
16 RESPOND AND, IN THE CASE OF AN ALLEGED FATHER, FILE A CLAIM OF PATERNITY
17 WITHIN 20 DAYS AFTER THE SERVICE UNLESS A CLAIM OF PATERNITY IS PENDING,
18 THE COURT SHALL ORDER THE TERMINATION OF ANY RELATIONSHIP OF PARENT
19 AND CHILD BETWEEN THE RESPONDENT AND THE MINOR UNLESS THE PROCEEDING
20 FOR ADOPTION IS DISMISSED.

21 (B) IF, UNDER § 16-316 OF THIS SUBTITLE, THE COURT DISPENSES WITH
22 SERVICE OF THE PETITION UPON THE RESPONDENT, THE COURT SHALL ORDER THE
23 TERMINATION OF ANY RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
24 RESPONDENT AND THE MINOR UNLESS THE PROCEEDING FOR ADOPTION IS
25 DISMISSED.

26 (C) IF THE RESPONDENT RESPONDS AND ASSERTS PARENTAL RIGHTS, THE
27 COURT SHALL PROCEED WITH THE HEARING EXPEDITIOUSLY. IF THE COURT FINDS,
28 UPON CLEAR AND CONVINCING EVIDENCE, THAT ONE OF THE FOLLOWING
29 GROUNDS EXISTS, AND, BY A PREPONDERANCE OF THE EVIDENCE, THAT
30 TERMINATION IS IN THE BEST INTEREST OF THE MINOR, THE COURT SHALL
31 TERMINATE ANY RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
32 RESPONDENT AND THE MINOR:

33 (1) IN THE CASE OF A MINOR WHO HAS NOT ATTAINED 6 MONTHS OF
34 AGE AT THE TIME THE PETITION FOR ADOPTION IS FILED, UNLESS THE
35 RESPONDENT PROVES BY A PREPONDERANCE OF THE EVIDENCE A COMPELLING
36 REASON FOR NOT COMPLYING WITH THIS PARAGRAPH, THE RESPONDENT HAS
37 FAILED TO:

38 (I) PAY REASONABLE PRENATAL, NATAL, AND POSTNATAL
39 EXPENSES IN ACCORDANCE WITH THE RESPONDENT'S FINANCIAL MEANS;

40 (II) MAKE REASONABLE AND CONSISTENT PAYMENTS, IN
41 ACCORDANCE WITH THE RESPONDENT'S FINANCIAL MEANS, FOR THE SUPPORT OF
42 THE MINOR;

36

1 (III) VISIT REGULARLY WITH THE MINOR; AND

2 (IV) MANIFEST AN ABILITY AND WILLINGNESS TO ASSUME LEGAL
3 AND PHYSICAL CUSTODY OF THE MINOR, IF, DURING THIS TIME, THE MINOR WAS
4 NOT IN THE PHYSICAL CUSTODY OF THE OTHER PARENT;

5 (2) IN THE CASE OF A MINOR WHO HAS ATTAINED 6 MONTHS OF AGE AT
6 THE TIME A PETITION FOR ADOPTION IS FILED, UNLESS THE RESPONDENT PROVES
7 BY A PREPONDERANCE OF THE EVIDENCE A COMPELLING REASON FOR NOT
8 COMPLYING WITH THIS PARAGRAPH, THE RESPONDENT, FOR A PERIOD OF AT
9 LEAST 6 CONSECUTIVE MONTHS IMMEDIATELY PRECEDING THE FILING OF THE
10 PETITION, HAS FAILED TO:

11 (I) MAKE REASONABLE AND CONSISTENT PAYMENTS, IN
12 ACCORDANCE WITH THE RESPONDENT'S MEANS, FOR THE SUPPORT OF THE MINOR;

13 (II) COMMUNICATE OR VISIT REGULARLY WITH THE MINOR; AND

14 (III) MANIFEST AN ABILITY AND WILLINGNESS TO ASSUME LEGAL
15 AND PHYSICAL CUSTODY OF THE MINOR, IF, DURING THIS TIME, THE MINOR WAS
16 NOT IN THE PHYSICAL CUSTODY OF THE OTHER PARENT;

17 (3) THE RESPONDENT HAS BEEN CONVICTED OF A CRIME OF VIOLENCE
18 OR OF VIOLATING A RESTRAINING OR PROTECTIVE ORDER, AND THE FACTS OF THE
19 CRIME OR VIOLATION AND THE RESPONDENT'S BEHAVIOR INDICATE THAT THE
20 RESPONDENT IS UNFIT TO MAINTAIN A RELATIONSHIP OF PARENT AND CHILD WITH
21 THE MINOR;

22 (4) THE RESPONDENT IS A MAN WHO WAS NOT MARRIED TO THE
23 MINOR'S MOTHER WHEN THE MINOR WAS CONCEIVED OR BORN AND IS NOT THE
24 GENETIC OR ADOPTIVE FATHER OF THE MINOR; OR

25 (5) TERMINATION IS JUSTIFIED ON A GROUND SPECIFIED IN THE
26 STATE'S STATUTE FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS.

27 (D) IF THE RESPONDENT PROVES BY A PREPONDERANCE OF THE EVIDENCE
28 THAT HE OR SHE HAD A COMPELLING REASON FOR NOT COMPLYING WITH
29 SUBSECTION (C)(1) OR (2) OF THIS SECTION AND TERMINATION IS NOT JUSTIFIED ON
30 A GROUND STATED IN SUBSECTION (C)(3) THROUGH (5) OF THIS SECTION, THE
31 COURT MAY TERMINATE THE RELATIONSHIP OF PARENT AND CHILD BETWEEN THE
32 RESPONDENT AND A MINOR ONLY IF IT FINDS, UPON CLEAR AND CONVINCING
33 EVIDENCE, THAT ONE OF THE FOLLOWING GROUNDS EXISTS, AND, BY A
34 PREPONDERANCE OF THE EVIDENCE, THAT TERMINATION IS IN THE BEST INTEREST
35 OF THE MINOR:

36 (1) IF THE MINOR IS NOT IN THE LEGAL AND PHYSICAL CUSTODY OF
37 THE OTHER PARENT, THE RESPONDENT IS NOT ABLE OR WILLING PROMPTLY TO
38 ASSUME LEGAL AND PHYSICAL CUSTODY OF THE MINOR, AND TO PAY FOR THE
39 MINOR'S SUPPORT, IN ACCORDANCE WITH THE RESPONDENT'S FINANCIAL MEANS;

40 (2) IF THE MINOR IS IN THE LEGAL AND PHYSICAL CUSTODY OF THE
41 OTHER PARENT AND A STEPPARENT, AND THE STEPPARENT IS THE PROSPECTIVE

37

1 ADOPTIVE PARENT, THE RESPONDENT IS NOT ABLE OR WILLING PROMPTLY TO
2 ESTABLISH AND MAINTAIN CONTACT WITH THE MINOR AND TO PAY FOR THE
3 MINOR'S SUPPORT, IN ACCORDANCE WITH THE RESPONDENT'S FINANCIAL MEANS;

4 (3) PLACING THE MINOR IN THE RESPONDENT'S LEGAL AND PHYSICAL
5 CUSTODY WOULD POSE A RISK OF SUBSTANTIAL HARM TO THE PHYSICAL OR
6 PSYCHOLOGICAL WELL-BEING OF THE MINOR BECAUSE THE CIRCUMSTANCES OF
7 THE MINOR'S CONCEPTION, THE RESPONDENT'S BEHAVIOR DURING THE MOTHER'S
8 PREGNANCY OR SINCE THE MINOR'S BIRTH, OR THE RESPONDENT'S BEHAVIOR
9 WITH RESPECT TO OTHER MINORS, INDICATES THAT THE RESPONDENT IS UNFIT TO
10 MAINTAIN A RELATIONSHIP OF PARENT AND CHILD WITH THE MINOR; OR

11 (4) FAILURE TO TERMINATE THE RELATIONSHIP OF PARENT AND
12 CHILD WOULD BE DETRIMENTAL TO THE MINOR.

13 (E) IN MAKING A DETERMINATION UNDER SUBSECTION (D)(4) OF THIS
14 SECTION, THE COURT SHALL CONSIDER ANY RELEVANT FACTOR, INCLUDING THE
15 RESPONDENT'S EFFORTS TO OBTAIN OR MAINTAIN LEGAL AND PHYSICAL CUSTODY
16 OF THE MINOR, THE ROLE OF OTHER PERSONS IN THWARTING THE RESPONDENT'S
17 EFFORTS TO ASSERT PARENTAL RIGHTS, THE RESPONDENT'S ABILITY TO CARE FOR
18 THE MINOR, THE AGE OF THE MINOR, THE QUALITY OF ANY PREVIOUS
19 RELATIONSHIP BETWEEN THE RESPONDENT AND THE MINOR AND BETWEEN THE
20 RESPONDENT AND ANY OTHER MINOR CHILDREN, THE DURATION AND
21 SUITABILITY OF THE MINOR'S PRESENT CUSTODIAL ENVIRONMENT, AND THE
22 EFFECT OF A CHANGE OF PHYSICAL CUSTODY ON THE MINOR.

23 16-322.

24 AN ORDER ISSUED UNDER THIS PART V OF THIS SUBTITLE GRANTING THE
25 PETITION:

26 (1) TERMINATES THE RELATIONSHIP OF PARENT AND CHILD BETWEEN
27 THE RESPONDENT AND THE MINOR, EXCEPT AN OBLIGATION FOR ARREARAGES OF
28 CHILD SUPPORT;

29 (2) EXTINGUISHES ANY RIGHT THE RESPONDENT HAD TO WITHHOLD
30 CONSENT TO A PROPOSED ADOPTION OF THE MINOR OR TO FURTHER NOTICE OF A
31 PROCEEDING FOR ADOPTION; AND

32 (3) IS A FINAL ORDER FOR PURPOSES OF APPEAL.

33 16-323.

34 (A) IF THE COURT DENIES THE PETITION TO TERMINATE A RELATIONSHIP OF
35 PARENT AND CHILD, THE COURT SHALL DISMISS THE PROCEEDING FOR ADOPTION
36 AND SHALL DETERMINE THE LEGAL AND PHYSICAL CUSTODY OF THE MINOR
37 ACCORDING TO THE CRITERIA STATED IN § 16-330 OF THIS SUBTITLE.

38 (B) AN ORDER ISSUED UNDER THIS PART V OF THIS SUBTITLE DENYING A
39 PETITION TO TERMINATE A RELATIONSHIP OF PARENT AND CHILD IS A FINAL
40 ORDER FOR PURPOSES OF APPEAL.

38

1 PART VI. EVALUATION OF ADOPTEE AND PROSPECTIVE ADOPTIVE PARENT.

2 16-324.

3 (A) AFTER A PETITION FOR ADOPTION OF A MINOR IS FILED, THE COURT
4 SHALL ORDER THAT AN EVALUATION BE MADE BY AN INDIVIDUAL QUALIFIED
5 UNDER § 16-210 OF THIS TITLE.

6 (B) THE COURT SHALL PROVIDE THE EVALUATOR WITH COPIES OF THE
7 PETITION FOR ADOPTION AND OF THE ITEMS FILED WITH THE PETITION.

8 16-325.

9 (A) AN EVALUATION MUST BE BASED ON A PERSONAL INTERVIEW WITH THE
10 PETITIONER IN THE PETITIONER'S RESIDENCE AND OBSERVATION OF THE
11 RELATIONSHIP BETWEEN THE MINOR ADOPTEE AND THE PETITIONER.

12 (B) AN EVALUATION MUST BE IN WRITING AND CONTAIN:

13 (1) AN ACCOUNT OF ANY CHANGE IN THE PETITIONER'S MARITAL
14 STATUS OR FAMILY HISTORY, PHYSICAL OR MENTAL HEALTH, HOME
15 ENVIRONMENT, PROPERTY, INCOME, OR FINANCIAL OBLIGATIONS SINCE THE
16 FILING OF THE PREPLACEMENT EVALUATION;

17 (2) ALL REASONABLY AVAILABLE INFORMATION CONCERNING THE
18 PHYSICAL, MENTAL, AND EMOTIONAL CONDITION OF THE MINOR ADOPTEE WHICH
19 IS NOT INCLUDED IN ANY REPORT ON THE MINOR'S HEALTH, GENETIC, AND SOCIAL
20 HISTORY FILED IN THE PROCEEDING FOR ADOPTION;

21 (3) COPIES OF ANY COURT ORDER, JUDGMENT, DECREE, OR PENDING
22 LEGAL PROCEEDING AFFECTING THE MINOR ADOPTEE, THE PETITIONER, OR ANY
23 CHILD OF THE PETITIONER;

24 (4) A LIST OF THE EXPENSES, FEES, OR OTHER CHARGES INCURRED,
25 PAID, OR TO BE PAID, AND ANYTHING OF VALUE EXCHANGED OR TO BE
26 EXCHANGED, IN CONNECTION WITH THE ADOPTION;

27 (5) ANY BEHAVIOR OR CHARACTERISTICS OF THE PETITIONER WHICH
28 RAISE A SPECIFIC CONCERN, AS DESCRIBED IN § 16-212(A) OF THIS TITLE, ABOUT THE
29 PETITIONER OR THE PETITIONER'S HOME; AND

30 (6) A FINDING BY THE EVALUATOR CONCERNING THE SUITABILITY OF
31 THE PETITIONER AND THE PETITIONER'S HOME FOR THE MINOR ADOPTEE AND A
32 RECOMMENDATION CONCERNING THE GRANTING OF THE PETITION FOR
33 ADOPTION.

34 16-326.

35 (A) THE EVALUATOR SHALL COMPLETE A WRITTEN EVALUATION AND FILE
36 IT WITH THE COURT WITHIN 60 DAYS AFTER RECEIPT OF THE COURT'S ORDER FOR
37 AN EVALUATION, UNLESS THE COURT FOR GOOD CAUSE ALLOWS A LATER FILING.

38 (B) IF AN EVALUATION PRODUCES A SPECIFIC CONCERN, AS DESCRIBED IN §
39 16-212(A) OF THIS TITLE, THE EVALUATION MUST BE FILED IMMEDIATELY, AND

39

1 MUST EXPLAIN WHY THE CONCERN POSES A SIGNIFICANT RISK OF HARM TO THE
2 PHYSICAL OR PSYCHOLOGICAL WELL-BEING OF THE MINOR.

3 (C) AN EVALUATOR SHALL GIVE THE PETITIONER A COPY OF AN
4 EVALUATION WHEN FILED WITH THE COURT AND FOR 2 YEARS SHALL RETAIN A
5 COPY AND A LIST OF EVERY SOURCE FOR EACH ITEM OF INFORMATION IN THE
6 EVALUATION.

7 PART VII. DISPOSITIONAL HEARING; DECREE OF ADOPTION.

8 16-327.

9 THE COURT SHALL SET A DATE AND TIME FOR HEARING THE PETITION, WHICH
10 MUST BE NO SOONER THAN 90 DAYS AND NO LATER THAN 180 DAYS AFTER THE
11 PETITION FOR ADOPTION HAS BEEN FILED, UNLESS THE COURT FOR GOOD CAUSE
12 SETS AN EARLIER OR LATER DATE AND TIME.

13 16-328.

14 AT LEAST 10 DAYS BEFORE THE HEARING:

15 (1) THE PETITIONER SHALL FILE WITH THE COURT A SIGNED AND
16 VERIFIED ACCOUNTING OF ANY PAYMENT OR DISBURSEMENT OF MONEY OR
17 ANYTHING OF VALUE MADE OR AGREED TO BE MADE BY OR ON BEHALF OF THE
18 PETITIONER IN CONNECTION WITH THE ADOPTION, OR PURSUANT TO SUBTITLE 7.
19 THE ACCOUNTING MUST INCLUDE THE DATE AND AMOUNT OF EACH PAYMENT OR
20 DISBURSEMENT MADE, THE NAME AND ADDRESS OF EACH RECIPIENT, AND THE
21 PURPOSE OF EACH PAYMENT OR DISBURSEMENT;

22 (2) THE LAWYER FOR A PETITIONER SHALL FILE WITH THE COURT AN
23 AFFIDAVIT ITEMIZING ANY FEE, COMPENSATION, OR OTHER THING OF VALUE
24 RECEIVED BY, OR AGREED TO BE PAID TO, THE LAWYER INCIDENTAL TO THE
25 PLACEMENT AND ADOPTION OF THE MINOR;

26 (3) THE LAWYER FOR EACH PARENT OF THE MINOR OR FOR THE
27 GUARDIAN OF THE MINOR SHALL FILE WITH THE COURT AN AFFIDAVIT ITEMIZING
28 ANY FEE, COMPENSATION, OR OTHER THING OF VALUE RECEIVED BY, OR AGREED
29 TO BE PAID TO, THE LAWYER INCIDENTAL TO THE PLACEMENT AND ADOPTION OF
30 THE MINOR;

31 (4) IF AN AGENCY PLACED THE MINOR FOR ADOPTION, THE AGENCY
32 SHALL FILE WITH THE COURT AN AFFIDAVIT ITEMIZING ANY FEE, COMPENSATION,
33 OR OTHER THING OF VALUE RECEIVED BY THE AGENCY FOR, OR INCIDENTAL TO,
34 THE PLACEMENT AND ADOPTION OF THE MINOR; AND

35 (5) IF A GUARDIAN PLACED THE MINOR FOR ADOPTION, THE
36 GUARDIAN SHALL FILE WITH THE COURT AN AFFIDAVIT ITEMIZING ANY FEE,
37 COMPENSATION, OR OTHER THING OF VALUE RECEIVED BY THE GUARDIAN FOR,
38 OR INCIDENTAL TO, THE PLACEMENT AND ADOPTION OF THE MINOR.

40

1 16-329.

2 (A) THE COURT SHALL GRANT A PETITION FOR ADOPTION IF IT DETERMINES
3 THAT THE ADOPTION WILL BE IN THE BEST INTEREST OF THE MINOR, AND THAT:

4 (1) AT LEAST 90 DAYS HAVE ELAPSED SINCE THE FILING OF THE
5 PETITION FOR ADOPTION UNLESS THE COURT FOR GOOD CAUSE SHOWN WAIVES
6 THIS REQUIREMENT;

7 (2) THE ADOPTEE HAS BEEN IN THE PHYSICAL CUSTODY OF THE
8 PETITIONER FOR AT LEAST 90 DAYS UNLESS THE COURT FOR GOOD CAUSE SHOWN
9 WAIVES THIS REQUIREMENT;

10 (3) NOTICE OF THE PROCEEDING FOR ADOPTION HAS BEEN SERVED OR
11 DISPENSED WITH AS TO ANY PERSON ENTITLED TO RECEIVE NOTICE UNDER PART
12 IV OF THIS SUBTITLE;

13 (4) EVERY NECESSARY CONSENT, RELINQUISHMENT, WAIVER,
14 DISCLAIMER OF PATERNAL INTEREST, OR JUDICIAL ORDER TERMINATING
15 PARENTAL RIGHTS, INCLUDING AN ORDER ISSUED UNDER PART V OF THIS
16 SUBTITLE, HAS BEEN OBTAINED AND FILED WITH THE COURT;

17 (5) ANY EVALUATION REQUIRED BY THIS TITLE HAS BEEN FILED WITH
18 AND CONSIDERED BY THE COURT;

19 (6) THE PETITIONER IS A SUITABLE ADOPTIVE PARENT FOR THE
20 MINOR;

21 (7) IF APPLICABLE, ANY REQUIREMENT OF THIS TITLE GOVERNING AN
22 INTERSTATE OR INTERCOUNTRY PLACEMENT FOR ADOPTION HAS BEEN MET;

23 (8) THE INDIAN CHILD WELFARE ACT, 25 U.S.C. SECTIONS 1901 ET SEQ., IS
24 NOT APPLICABLE TO THE PROCEEDING OR, IF APPLICABLE, ITS REQUIREMENTS
25 HAVE BEEN MET;

26 (9) AN ACCOUNTING AND AFFIDAVIT REQUIRED BY § 16-328 OF THIS
27 SUBTITLE HAVE BEEN REVIEWED BY THE COURT, AND THE COURT HAS DENIED,
28 MODIFIED, OR ORDERED REIMBURSEMENT OF ANY PAYMENT OR DISBURSEMENT
29 THAT IS NOT AUTHORIZED BY SUBTITLE 7 OR IS UNREASONABLE OR UNNECESSARY
30 WHEN COMPARED WITH THE EXPENSES CUSTOMARILY INCURRED IN CONNECTION
31 WITH AN ADOPTION;

32 (10) THE PETITIONER HAS RECEIVED EACH REPORT REQUIRED BY §
33 16-206 OF THIS TITLE; AND

34 (11) ANY DOCUMENT SIGNED PURSUANT TO § 16-223(E) OF THIS TITLE
35 CONCERNING THE RELEASE OF A FORMER PARENT'S IDENTITY TO THE ADOPTEE
36 AFTER THE ADOPTEE ATTAINS 18 YEARS OF AGE HAS BEEN FILED WITH THE COURT.

37 (B) NOTWITHSTANDING A FINDING BY THE COURT THAT AN ACTIVITY
38 PROHIBITED BY THIS TITLE HAS OCCURRED, IF THE COURT MAKES THE
39 DETERMINATIONS REQUIRED BY SUBSECTION (A) OF THIS SECTION, THE COURT

41

1 SHALL GRANT THE PETITION FOR ADOPTION AND REPORT THE VIOLATION TO THE
2 APPROPRIATE AUTHORITIES.

3 (C) EXCEPT AS OTHERWISE PROVIDED IN SUBTITLE 4, THE COURT SHALL
4 INFORM THE PETITIONER AND ANY OTHER INDIVIDUAL AFFECTED BY AN EXISTING
5 ORDER FOR VISITATION OR COMMUNICATION WITH THE MINOR ADOPTEE THAT
6 THE DECREE OF ADOPTION TERMINATES ANY EXISTING ORDER FOR VISITATION OR
7 COMMUNICATION.

8 16-330.

9 IF A COURT DENIES A PETITION FOR ADOPTION, IT SHALL DISMISS THE
10 PROCEEDING AND ISSUE AN APPROPRIATE ORDER FOR THE LEGAL AND PHYSICAL
11 CUSTODY OF THE MINOR. IF THE REASON FOR THE DENIAL IS THAT A CONSENT OR
12 RELINQUISHMENT IS REVOKED OR SET ASIDE PURSUANT TO § 16-227 OR § 16-228 OF
13 THIS TITLE, THE COURT SHALL DETERMINE THE MINOR'S CUSTODY ACCORDING TO
14 THE CRITERIA STATED IN THOSE SECTIONS. IF THE PETITION FOR ADOPTION IS
15 DENIED FOR ANY OTHER REASON, THE COURT SHALL DETERMINE THE MINOR'S
16 CUSTODY ACCORDING TO THE BEST INTEREST OF THE MINOR.

17 16-331.

18 (A) A DECREE OF ADOPTION MUST STATE OR CONTAIN:

19 (1) THE ORIGINAL NAME OF THE MINOR ADOPTEE, IF THE ADOPTION IS
20 BY A STEPPARENT OR RELATIVE AND, IN ALL OTHER ADOPTIONS, THE ORIGINAL
21 NAME OR A PSEUDONYM;

22 (2) THE NAME OF THE PETITIONER FOR ADOPTION;

23 (3) WHETHER THE PETITIONER IS MARRIED OR UNMARRIED;

24 (4) WHETHER THE PETITIONER IS A STEPPARENT OF THE ADOPTEE;

25 (5) THE NAME BY WHICH THE ADOPTEE IS TO BE KNOWN AND WHEN
26 THE NAME TAKES EFFECT;

27 (6) INFORMATION TO BE INCORPORATED INTO A NEW BIRTH
28 CERTIFICATE TO BE ISSUED BY THE STATE REGISTRAR OF VITAL RECORDS, UNLESS
29 THE PETITIONER OR AN ADOPTEE WHO HAS ATTAINED 12 YEARS OF AGE REQUESTS
30 THAT A NEW CERTIFICATE NOT BE ISSUED;

31 (7) THE ADOPTEE'S DATE AND PLACE OF BIRTH, IF KNOWN, OR IN THE
32 CASE OF AN ADOPTEE BORN OUTSIDE THE UNITED STATES, AS DETERMINED
33 PURSUANT TO SUBSECTION (B) OF THIS SECTION;

34 (8) THE EFFECT OF THE DECREE OF ADOPTION AS STATED IN §§ 16-104
35 THROUGH 16-106 OF THIS TITLE; AND

36 (9) THAT THE ADOPTION IS IN THE BEST INTEREST OF THE ADOPTEE.

37 (B) IN DETERMINING THE DATE AND PLACE OF BIRTH OF AN ADOPTEE BORN
38 OUTSIDE THE UNITED STATES, THE COURT SHALL:

42

1 (1) ENTER THE DATE AND PLACE OF BIRTH AS STATED IN THE BIRTH
2 CERTIFICATE FROM THE COUNTRY OF ORIGIN, THE UNITED STATES DEPARTMENT
3 OF STATE'S REPORT OF BIRTH ABROAD, OR THE DOCUMENTS OF THE UNITED
4 STATES IMMIGRATION AND NATURALIZATION SERVICE;

5 (2) IF THE EXACT PLACE OF BIRTH IS UNKNOWN, ENTER THE
6 INFORMATION THAT IS KNOWN AND DESIGNATE A PLACE OF BIRTH ACCORDING TO
7 THE BEST INFORMATION KNOWN WITH RESPECT TO THE COUNTRY OF ORIGIN;

8 (3) IF THE EXACT DATE OF BIRTH IS UNKNOWN, DETERMINE A DATE OF
9 BIRTH BASED UPON MEDICAL EVIDENCE AS TO THE PROBABLE AGE OF THE
10 ADOPTEE AND OTHER EVIDENCE THE COURT CONSIDERS APPROPRIATE; AND

11 (4) IF DOCUMENTS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION
12 ARE NOT AVAILABLE, DETERMINE THE DATE AND PLACE OF BIRTH BASED UPON
13 EVIDENCE THE COURT FINDS APPROPRIATE TO CONSIDER.

14 (C) UNLESS A PETITIONER REQUESTS OTHERWISE AND THE FORMER PARENT
15 AGREES, THE DECREE OF ADOPTION MAY NOT NAME A FORMER PARENT OF THE
16 ADOPTEE.

17 (D) EXCEPT FOR A DECREE OF ADOPTION OF A MINOR BY A STEPPARENT
18 WHICH IS ISSUED PURSUANT TO SUBTITLE 4 OF THIS TITLE, A DECREE OF ADOPTION
19 OF A MINOR MUST CONTAIN A STATEMENT THAT THE ADOPTION TERMINATES ANY
20 ORDER FOR VISITATION OR COMMUNICATION WITH THE MINOR THAT WAS IN
21 EFFECT BEFORE THE DECREE IS ISSUED.

22 (E) A DECREE THAT SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS
23 OF THIS SECTION IS NOT SUBJECT TO CHALLENGE SOLELY BECAUSE ONE OR MORE
24 ITEMS REQUIRED BY THIS SECTION ARE NOT CONTAINED IN THE DECREE.

25 16-332.

26 A DECREE OF ADOPTION IS A FINAL ORDER FOR PURPOSES OF APPEAL WHEN
27 IT IS ISSUED AND BECOMES FINAL FOR OTHER PURPOSES UPON THE EXPIRATION OF
28 THE TIME FOR FILING AN APPEAL, IF NO APPEAL IS FILED, OR UPON THE DENIAL OR
29 DISMISSAL OF ANY APPEAL FILED WITHIN THE REQUISITE TIME.

30 16-333.

31 (A) AN APPEAL FROM A DECREE OF ADOPTION OR OTHER APPEALABLE
32 ORDER ISSUED UNDER THIS TITLE MUST BE HEARD EXPEDITIOUSLY.

33 (B) A DECREE OR ORDER ISSUED UNDER THIS TITLE MAY NOT BE VACATED
34 OR ANNULLED UPON APPLICATION OF A PERSON WHO WAIVED NOTICE, OR WHO
35 WAS PROPERLY SERVED WITH NOTICE PURSUANT TO THIS TITLE AND FAILED TO
36 RESPOND OR APPEAR, FILE AN ANSWER, OR FILE A CLAIM OF PATERNITY WITHIN
37 THE TIME ALLOWED.

38 (C) THE VALIDITY OF A DECREE OF ADOPTION ISSUED UNDER THIS TITLE
39 MAY NOT BE CHALLENGED FOR FAILURE TO COMPLY WITH AN AGREEMENT FOR
40 VISITATION OR COMMUNICATION WITH AN ADOPTEE.

43

1 (D) A DECREE OF ADOPTION OR OTHER ORDER ISSUED UNDER THIS TITLE IS
2 NOT SUBJECT TO A CHALLENGE BEGUN MORE THAN 6 MONTHS AFTER THE DECREE
3 OR ORDER IS ISSUED. IF A CHALLENGE IS BROUGHT BY AN INDIVIDUAL WHOSE
4 PARENTAL RELATIONSHIP TO AN ADOPTEE IS TERMINATED BY A DECREE OR
5 ORDER UNDER THIS TITLE, THE COURT SHALL DENY THE CHALLENGE, UNLESS THE
6 COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE DECREE OR
7 ORDER IS NOT IN THE BEST INTEREST OF THE ADOPTEE.

8 PART VIII. BIRTH CERTIFICATE.

9 16-334.

10 (A) WITHIN 30 DAYS AFTER A DECREE OF ADOPTION BECOMES FINAL, THE
11 CLERK OF THE COURT SHALL PREPARE A REPORT OF ADOPTION ON A FORM
12 FURNISHED BY THE STATE REGISTRAR OF VITAL RECORDS AND CERTIFY AND SEND
13 THE REPORT TO THE REGISTRAR. THE REPORT MUST INCLUDE:

14 (1) INFORMATION IN THE COURT'S RECORD OF THE PROCEEDING FOR
15 ADOPTION WHICH IS NECESSARY TO LOCATE AND IDENTIFY THE ADOPTEE'S BIRTH
16 CERTIFICATE OR, IN THE CASE OF AN ADOPTEE BORN OUTSIDE THE UNITED
17 STATES, EVIDENCE THE COURT FINDS APPROPRIATE TO CONSIDER AS TO THE
18 ADOPTEE'S DATE AND PLACE OF BIRTH;

19 (2) INFORMATION IN THE COURT'S RECORD OF THE PROCEEDING FOR
20 ADOPTION WHICH IS NECESSARY TO ISSUE A NEW BIRTH CERTIFICATE FOR THE
21 ADOPTEE AND A REQUEST THAT A NEW CERTIFICATE BE ISSUED, UNLESS THE
22 COURT, THE ADOPTIVE PARENT, OR AN ADOPTEE WHO HAS ATTAINED 12 YEARS OF
23 AGE REQUESTS THAT A NEW CERTIFICATE NOT BE ISSUED; AND

24 (3) THE FILE NUMBER OF THE DECREE OF ADOPTION AND THE DATE
25 ON WHICH THE DECREE BECAME FINAL.

26 (B) WITHIN 30 DAYS AFTER A DECREE OF ADOPTION IS AMENDED OR
27 VACATED, THE CLERK OF THE COURT SHALL PREPARE A REPORT OF THAT ACTION
28 ON A FORM FURNISHED BY THE REGISTRAR AND SHALL CERTIFY AND SEND THE
29 REPORT TO THE REGISTRAR. THE REPORT MUST INCLUDE INFORMATION
30 NECESSARY TO IDENTIFY THE ORIGINAL REPORT OF ADOPTION, AND SHALL ALSO
31 INCLUDE INFORMATION NECESSARY TO AMEND OR WITHDRAW ANY NEW BIRTH
32 CERTIFICATE THAT WAS ISSUED PURSUANT TO THE ORIGINAL REPORT OF
33 ADOPTION.

34 16-335.

35 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS SECTION,
36 UPON RECEIPT OF A REPORT OF ADOPTION PREPARED PURSUANT TO § 16-334 OF
37 THIS SUBTITLE, A REPORT OF ADOPTION PREPARED IN ACCORDANCE WITH THE
38 LAW OF ANOTHER STATE OR COUNTRY, A CERTIFIED COPY OF A DECREE OF
39 ADOPTION TOGETHER WITH INFORMATION NECESSARY TO IDENTIFY THE
40 ADOPTEE'S ORIGINAL BIRTH CERTIFICATE AND TO ISSUE A NEW CERTIFICATE, OR A
41 REPORT OF AN AMENDED ADOPTION, THE REGISTRAR SHALL:

1 (1) ISSUE A NEW BIRTH CERTIFICATE FOR AN ADOPTEE BORN IN THIS
2 STATE AND FURNISH A CERTIFIED COPY OF THE NEW CERTIFICATE TO THE
3 ADOPTIVE PARENT AND TO AN ADOPTEE WHO HAS ATTAINED 12 YEARS OF AGE;

4 (2) FORWARD A CERTIFIED COPY OF A REPORT OF ADOPTION FOR AN
5 ADOPTEE BORN IN ANOTHER STATE TO THE REGISTRAR OF THE STATE OF BIRTH;

6 (3) ISSUE A CERTIFICATE OF FOREIGN BIRTH FOR AN ADOPTEE
7 ADOPTED IN THIS STATE AND WHO WAS BORN OUTSIDE THE UNITED STATES AND
8 WAS NOT A CITIZEN OF THE UNITED STATES AT THE TIME OF BIRTH, AND FURNISH
9 A CERTIFIED COPY OF THE CERTIFICATE TO THE ADOPTIVE PARENT AND TO AN
10 ADOPTEE WHO HAS ATTAINED 12 YEARS OF AGE;

11 (4) NOTIFY AN ADOPTIVE PARENT OF THE PROCEDURE FOR
12 OBTAINING A REVISED BIRTH CERTIFICATE THROUGH THE UNITED STATES
13 DEPARTMENT OF STATE FOR AN ADOPTEE BORN OUTSIDE THE UNITED STATES
14 WHO WAS A CITIZEN OF THE UNITED STATES AT THE TIME OF BIRTH; OR

15 (5) IN THE CASE OF AN AMENDED DECREE OF ADOPTION, ISSUE AN
16 AMENDED BIRTH CERTIFICATE ACCORDING TO THE PROCEDURE IN PARAGRAPH (1)
17 OR (3) OF THIS SUBSECTION OR FOLLOW THE PROCEDURE IN PARAGRAPH (2) OR (4)
18 OF THIS SUBSECTION.

19 (B) UNLESS OTHERWISE SPECIFIED BY THE COURT, A NEW BIRTH
20 CERTIFICATE ISSUED PURSUANT TO SUBSECTION (A)(1) OR (3) OF THIS SECTION OR
21 AN AMENDED CERTIFICATE ISSUED PURSUANT TO SUBSECTION (A)(5) OF THIS
22 SECTION MUST INCLUDE THE DATE AND PLACE OF BIRTH OF THE ADOPTEE,
23 SUBSTITUTE THE NAME OF THE ADOPTIVE PARENT FOR THE NAME OF THE
24 INDIVIDUAL LISTED AS THE ADOPTEE'S PARENT ON THE ORIGINAL BIRTH
25 CERTIFICATE, AND CONTAIN ANY OTHER INFORMATION PRESCRIBED BY THE
26 STATE'S VITAL RECORDS LAW OR REGULATIONS.

27 (C) THE REGISTRAR SHALL SUBSTITUTE THE NEW OR AMENDED BIRTH
28 CERTIFICATE FOR THE ORIGINAL BIRTH CERTIFICATE IN THE REGISTRAR'S FILES.
29 THE ORIGINAL CERTIFICATE AND ALL COPIES OF THE CERTIFICATE IN THE FILES OF
30 THE REGISTRAR OR ANY OTHER CUSTODIAN OF VITAL RECORDS IN THE STATE
31 MUST BE SEALED AND ARE NOT SUBJECT TO INSPECTION UNTIL 99 YEARS AFTER
32 THE ADOPTEE'S DATE OF BIRTH, BUT MAY BE INSPECTED AS PROVIDED IN THIS ACT.

33 (D) IF THE COURT, THE ADOPTIVE PARENT, OR AN ADOPTEE WHO HAS
34 ATTAINED 12 YEARS OF AGE REQUESTS THAT A NEW OR AMENDED BIRTH
35 CERTIFICATE NOT BE ISSUED, THE REGISTRAR MAY NOT ISSUE A NEW OR AMENDED
36 CERTIFICATE FOR AN ADOPTEE PURSUANT TO SUBSECTION (A), BUT SHALL
37 FORWARD A CERTIFIED COPY OF THE REPORT OF ADOPTION OR OF AN AMENDED
38 DECREE OF ADOPTION FOR AN ADOPTEE WHO WAS BORN IN ANOTHER STATE TO
39 THE APPROPRIATE OFFICE IN THE ADOPTEE'S STATE OF BIRTH.

40 (E) UPON RECEIPT OF A REPORT THAT AN ADOPTION HAS BEEN VACATED,
41 THE REGISTRAR SHALL:

42 (1) RESTORE THE ORIGINAL BIRTH CERTIFICATE FOR AN INDIVIDUAL
43 BORN IN THIS STATE TO ITS PLACE IN THE FILES, SEAL ANY NEW OR AMENDED

45

1 BIRTH CERTIFICATE ISSUED PURSUANT TO SUBSECTION (A) OF THIS SECTION, AND
2 NOT ALLOW INSPECTION OF A SEALED CERTIFICATE EXCEPT UPON COURT ORDER
3 OR AS OTHERWISE PROVIDED IN THIS TITLE;

4 (2) FORWARD THE REPORT WITH RESPECT TO AN INDIVIDUAL BORN IN
5 ANOTHER STATE TO THE APPROPRIATE OFFICE IN THE STATE OF BIRTH; OR

6 (3) NOTIFY THE INDIVIDUAL WHO IS GRANTED LEGAL CUSTODY OF A
7 FORMER ADOPTEE AFTER AN ADOPTION IS VACATED OF THE PROCEDURE FOR
8 OBTAINING AN ORIGINAL BIRTH CERTIFICATE THROUGH THE UNITED STATES
9 DEPARTMENT OF STATE FOR A FORMER ADOPTEE BORN OUTSIDE THE UNITED
10 STATES WHO WAS A CITIZEN OF THE UNITED STATES AT THE TIME OF BIRTH.

11 (F) UPON REQUEST BY AN INDIVIDUAL WHO WAS LISTED AS A PARENT ON A
12 CHILD'S ORIGINAL BIRTH CERTIFICATE AND WHO FURNISHES APPROPRIATE PROOF
13 OF THE INDIVIDUAL'S IDENTITY, THE REGISTRAR SHALL GIVE THE INDIVIDUAL A
14 NONCERTIFIED COPY OF THE ORIGINAL BIRTH CERTIFICATE.

15 SUBTITLE 4. ADOPTION OF MINOR STEPCHILD BY STEPPARENT.

16 16-401.

17 EXCEPT AS OTHERWISE PROVIDED BY THIS SUBTITLE, SUBTITLE 3 APPLIES TO
18 AN ADOPTION OF A MINOR STEPCHILD BY A STEPPARENT.

19 16-402.

20 (A) A STEPPARENT HAS STANDING UNDER THIS SUBTITLE TO PETITION TO
21 ADOPT A MINOR STEPCHILD WHO IS THE CHILD OF THE STEPPARENT'S SPOUSE IF:

22 (1) THE SPOUSE HAS SOLE LEGAL AND PHYSICAL CUSTODY OF THE
23 CHILD AND THE CHILD HAS BEEN IN THE PHYSICAL CUSTODY OF THE SPOUSE AND
24 THE STEPPARENT DURING THE 60 DAYS NEXT PRECEDING THE FILING OF A
25 PETITION FOR ADOPTION;

26 (2) THE SPOUSE HAS JOINT LEGAL CUSTODY OF THE CHILD WITH THE
27 CHILD'S OTHER PARENT AND THE CHILD HAS RESIDED PRIMARILY WITH THE
28 SPOUSE AND THE STEPPARENT DURING THE 12 MONTHS NEXT PRECEDING THE
29 FILING OF THE PETITION;

30 (3) THE SPOUSE IS DECEASED OR MENTALLY INCOMPETENT, BUT,
31 BEFORE DYING OR BEING JUDICIALLY DECLARED MENTALLY INCOMPETENT, HAD
32 LEGAL AND PHYSICAL CUSTODY OF THE CHILD, AND THE CHILD HAS RESIDED
33 PRIMARILY WITH THE STEPPARENT DURING THE 12 MONTHS NEXT PRECEDING THE
34 FILING OF THE PETITION; OR

35 (4) AN AGENCY PLACED THE CHILD WITH THE STEPPARENT PURSUANT
36 TO § 16-204 OF THIS TITLE.

37 (B) FOR GOOD CAUSE SHOWN, A COURT MAY ALLOW AN INDIVIDUAL WHO
38 DOES NOT MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, BUT
39 HAS THE CONSENT OF THE CUSTODIAL PARENT OF A MINOR TO FILE A PETITION

46

1 FOR ADOPTION UNDER THIS SUBTITLE. A PETITION ALLOWED UNDER THIS
2 SUBSECTION MUST BE TREATED AS IF THE PETITIONER WERE A STEPPARENT.

3 (C) A PETITION FOR ADOPTION BY A STEPPARENT MAY BE JOINED WITH A
4 PETITION UNDER SUBTITLE 3, PART V OF THIS TITLE, TO TERMINATE THE
5 RELATIONSHIP OF PARENT AND CHILD BETWEEN A MINOR ADOPTEE AND THE
6 ADOPTEE'S PARENT WHO IS NOT THE STEPPARENT'S SPOUSE.

7 16-403.

8 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS
9 SECTION, THE LEGAL CONSEQUENCES OF AN ADOPTION OF A STEPCHILD BY A
10 STEPPARENT ARE THE SAME AS UNDER §§ 16-103 THROUGH 16-106 OF THIS TITLE.

11 (B) AN ADOPTION BY A STEPPARENT DOES NOT AFFECT:

12 (1) THE RELATIONSHIP BETWEEN THE ADOPTEE AND THE ADOPTEE'S
13 PARENT WHO IS THE ADOPTIVE STEPPARENT'S SPOUSE OR DECEASED SPOUSE;

14 (2) AN EXISTING COURT ORDER FOR VISITATION OR COMMUNICATION
15 WITH A MINOR ADOPTEE BY AN INDIVIDUAL RELATED TO THE ADOPTEE THROUGH
16 THE PARENT WHO IS THE ADOPTIVE STEPPARENT'S SPOUSE OR DECEASED SPOUSE;

17 (3) THE RIGHT OF THE ADOPTEE OR A DESCENDANT OF THE ADOPTEE
18 TO INHERITANCE OR INTESTATE SUCCESSION THROUGH OR FROM THE ADOPTEE'S
19 FORMER PARENT; OR

20 (4) A COURT ORDER OR AGREEMENT FOR VISITATION OR
21 COMMUNICATION WITH A MINOR ADOPTEE WHICH IS APPROVED BY THE COURT
22 PURSUANT TO § 16-413 OF THIS SUBTITLE.

23 (C) FAILURE TO COMPLY WITH AN AGREEMENT OR ORDER IS NOT A
24 GROUND FOR CHALLENGING THE VALIDITY OF AN ADOPTION BY A STEPPARENT.

25 16-404.

26 UNLESS CONSENT IS NOT REQUIRED UNDER § 16-221 OF THIS TITLE, A PETITION
27 TO ADOPT A MINOR STEPCHILD MAY BE GRANTED ONLY IF CONSENT TO THE
28 ADOPTION HAS BEEN EXECUTED BY A STEPCHILD WHO HAS ATTAINED 12 YEARS OF
29 AGE AND:

30 (1) THE MINOR'S PARENTS AS DESCRIBED IN § 16-220(A) OF THIS TITLE;

31 (2) THE MINOR'S GUARDIAN IF EXPRESSLY AUTHORIZED BY A COURT
32 TO CONSENT TO THE MINOR'S ADOPTION; OR

33 (3) AN AGENCY THAT PLACED THE MINOR FOR ADOPTION BY THE
34 STEPPARENT.

35 16-405.

36 (A) A CONSENT EXECUTED BY A PARENT WHO IS THE STEPPARENT'S SPOUSE
37 MUST BE SIGNED OR CONFIRMED IN THE PRESENCE OF AN INDIVIDUAL SPECIFIED
38 IN § 16-224 OF THIS TITLE, OR AN INDIVIDUAL AUTHORIZED TO TAKE
39 ACKNOWLEDGEMENTS.

47

1 (B) A CONSENT UNDER SUBSECTION (A) OF THIS SECTION MUST BE IN
2 WRITING, MUST CONTAIN THE REQUIRED STATEMENTS DESCRIBED IN § 16-225(A)(1)
3 THROUGH (3) AND (D)(3) THROUGH (6) OF THIS TITLE, MAY CONTAIN THE OPTIONAL
4 STATEMENTS DESCRIBED IN § 16-225(F) OF THIS TITLE, AND MUST STATE THAT:

5 (1) THE PARENT EXECUTING THE CONSENT HAS LEGAL AND PHYSICAL
6 CUSTODY OF THE PARENT'S MINOR CHILD AND VOLUNTARILY AND
7 UNEQUIVOCALLY CONSENTS TO THE ADOPTION OF THE MINOR BY THE
8 STEPPARENT;

9 (2) THE ADOPTION WILL NOT TERMINATE THE PARENTAL
10 RELATIONSHIP BETWEEN THE PARENT EXECUTING THE CONSENT AND THE MINOR
11 CHILD; AND

12 (3) THE PARENT EXECUTING THE CONSENT UNDERSTANDS AND
13 AGREES THAT THE ADOPTION WILL TERMINATE THE RELATIONSHIP OF PARENT
14 AND CHILD BETWEEN THE MINOR'S OTHER PARENT AND THE MINOR AND WILL
15 TERMINATE ANY EXISTING COURT ORDER FOR CUSTODY, VISITATION, OR
16 COMMUNICATION WITH THE MINOR, BUT:

17 (I) THE MINOR AND ANY DESCENDANT OF THE MINOR WILL
18 RETAIN RIGHTS OF INHERITANCE FROM OR THROUGH THE MINOR'S OTHER
19 PARENT;

20 (II) A COURT ORDER FOR VISITATION OR COMMUNICATION WITH
21 THE MINOR BY AN INDIVIDUAL RELATED TO THE MINOR THROUGH THE PARENT
22 EXECUTING THE CONSENT OR AN AGREEMENT OR ORDER CONCERNING ANOTHER
23 INDIVIDUAL WHICH IS APPROVED BY THE COURT PURSUANT TO § 16-413 OF THIS
24 SUBTITLE SURVIVES THE DECREE OF ADOPTION, BUT FAILURE TO COMPLY WITH
25 THE TERMS OF THE ORDER OR AGREEMENT IS NOT A GROUND FOR REVOKING OR
26 SETTING ASIDE THE CONSENT OR THE ADOPTION; AND

27 (III) THE OTHER PARENT REMAINS LIABLE FOR ARREARAGES OF
28 CHILD SUPPORT UNLESS RELEASED FROM THAT OBLIGATION BY THE PARENT
29 EXECUTING THE CONSENT AND BY A GOVERNMENTAL ENTITY PROVIDING PUBLIC
30 ASSISTANCE TO THE MINOR.

31 (C) A CONSENT MAY NOT WAIVE FURTHER NOTICE OF THE PROCEEDING FOR
32 ADOPTION OF THE MINOR BY THE STEPPARENT.

33 16-406.

34 (A) A CONSENT EXECUTED BY A MINOR'S PARENT WHO IS NOT THE
35 STEPPARENT'S SPOUSE MUST BE SIGNED OR CONFIRMED IN THE PRESENCE OF AN
36 INDIVIDUAL SPECIFIED IN § 16-224 OF THIS TITLE.

37 (B) A CONSENT UNDER SUBSECTION (A) OF THIS SECTION MUST BE IN
38 WRITING, MUST CONTAIN THE REQUIRED STATEMENTS DESCRIBED IN § 16-225(A)(1)
39 THROUGH (3) AND (D)(3) THROUGH (6) OF THIS TITLE, MAY CONTAIN THE OPTIONAL
40 STATEMENTS DESCRIBED IN § 16-225(F) OF THIS TITLE, AND MUST STATE THAT:

1 (1) THE PARENT EXECUTING THE CONSENT VOLUNTARILY AND
2 UNEQUIVOCALLY CONSENTS TO THE ADOPTION OF THE MINOR BY THE
3 STEPPARENT AND THE TRANSFER TO THE STEPPARENT'S SPOUSE AND THE
4 ADOPTIVE STEPPARENT OF ANY RIGHT THE PARENT EXECUTING THE CONSENT HAS
5 TO LEGAL OR PHYSICAL CUSTODY OF THE MINOR;

6 (2) THE PARENT EXECUTING THE CONSENT UNDERSTANDS AND
7 AGREES THAT THE ADOPTION WILL TERMINATE HIS OR HER PARENTAL
8 RELATIONSHIP TO THE MINOR AND WILL TERMINATE ANY EXISTING COURT ORDER
9 FOR CUSTODY, VISITATION, OR COMMUNICATION WITH THE MINOR, BUT:

10 (I) THE MINOR AND ANY DESCENDANT OF THE MINOR WILL
11 RETAIN RIGHTS OF INHERITANCE FROM OR THROUGH THE PARENT EXECUTING
12 THE CONSENT;

13 (II) A COURT ORDER FOR VISITATION OR COMMUNICATION WITH
14 THE MINOR BY AN INDIVIDUAL RELATED TO THE MINOR THROUGH THE MINOR'S
15 OTHER PARENT, OR AN AGREEMENT OR ORDER CONCERNING ANOTHER
16 INDIVIDUAL WHICH IS APPROVED BY THE COURT PURSUANT TO § 16-413 OF THIS
17 SUBTITLE SURVIVES THE DECREE OF ADOPTION, BUT FAILURE TO COMPLY WITH
18 THE TERMS OF THE ORDER OR AGREEMENT IS NOT A GROUND FOR REVOKING OR
19 SETTING ASIDE THE CONSENT OR THE ADOPTION; AND

20 (III) THE PARENT EXECUTING THE CONSENT REMAINS LIABLE FOR
21 ARREARAGES OF CHILD SUPPORT UNLESS RELEASED FROM THAT OBLIGATION BY
22 THE OTHER PARENT AND ANY GUARDIAN AD LITEM OF THE MINOR AND BY A
23 GOVERNMENTAL ENTITY PROVIDING PUBLIC ASSISTANCE TO THE MINOR; AND

24 (3) THE PARENT EXECUTING THE CONSENT HAS PROVIDED THE
25 ADOPTIVE STEPPARENT WITH THE INFORMATION REQUIRED BY § 16-206 OF THIS
26 TITLE.

27 (C) A CONSENT UNDER SUBSECTION (A) OF THIS SECTION MAY WAIVE
28 NOTICE OF THE PROCEEDING FOR ADOPTION OF THE MINOR BY THE STEPPARENT
29 UNLESS THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

30 16-407.

31 (A) A CONSENT EXECUTED BY THE GUARDIAN OF A MINOR STEPCHILD OR BY
32 AN AGENCY MUST BE IN WRITING AND SIGNED OR CONFIRMED IN THE PRESENCE
33 OF THE COURT, OR IN A MANNER THE COURT DIRECTS, AND:

34 (1) MUST STATE THE CIRCUMSTANCES UNDER WHICH THE GUARDIAN
35 OR AGENCY OBTAINED THE AUTHORITY TO CONSENT TO THE ADOPTION OF THE
36 MINOR BY A STEPPARENT;

37 (2) MUST CONTAIN THE STATEMENTS REQUIRED BY §§ 16-404 AND 16-405
38 OF THIS SUBTITLE, EXCEPT FOR ANY THAT CAN BE MADE ONLY BY A PARENT OF
39 THE MINOR; AND

40 (3) MAY WAIVE NOTICE OF THE PROCEEDING FOR ADOPTION, UNLESS
41 THE ADOPTION IS CONTESTED, APPEALED, OR DENIED.

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1 (B) A CONSENT EXECUTED BY A MINOR STEPCHILD IN A PROCEEDING FOR
2 ADOPTION BY A STEPPARENT MUST BE SIGNED OR CONFIRMED IN THE PRESENCE
3 OF THE COURT OR IN A MANNER THE COURT DIRECTS.

4 16-408.

5 A PETITION BY A STEPPARENT TO ADOPT A MINOR STEPCHILD MUST BE
6 SIGNED AND VERIFIED BY THE PETITIONER AND CONTAIN THE FOLLOWING
7 INFORMATION OR STATE WHY ANY OF THE INFORMATION IS NOT CONTAINED IN
8 THE PETITION:

9 (1) THE INFORMATION REQUIRED BY § 16-311(A)(1), (3), (5), AND (8)
10 THROUGH (12) AND (B) OF THIS TITLE;

11 (2) THE CURRENT MARITAL STATUS OF THE PETITIONER, INCLUDING
12 THE DATE AND PLACE OF MARRIAGE, THE NAME AND DATE AND PLACE OF BIRTH
13 OF THE PETITIONER'S SPOUSE AND, IF THE SPOUSE IS DECEASED, THE DATE, PLACE,
14 AND CAUSE OF DEATH AND, IF THE SPOUSE IS INCOMPETENT, THE DATE ON WHICH
15 A COURT DECLARED THE SPOUSE INCOMPETENT;

16 (3) THE LENGTH OF TIME THE MINOR HAS BEEN RESIDING WITH THE
17 PETITIONER AND THE PETITIONER'S SPOUSE AND, IF THE MINOR IS NOT IN THE
18 PHYSICAL CUSTODY OF THE PETITIONER AND THE PETITIONER'S SPOUSE, THE
19 REASON WHY THEY DO NOT HAVE CUSTODY AND WHEN THEY INTEND TO OBTAIN
20 CUSTODY; AND

21 (4) THE LENGTH OF TIME THE PETITIONER'S SPOUSE OR THE
22 PETITIONER HAS HAD LEGAL CUSTODY OF THE MINOR AND THE CIRCUMSTANCES
23 UNDER WHICH LEGAL CUSTODY WAS OBTAINED.

24 16-409.

25 (A) AFTER A PETITION TO ADOPT A MINOR STEPCHILD IS FILED, THE
26 FOLLOWING MUST BE FILED IN THE PROCEEDING:

27 (1) ANY ITEM REQUIRED BY § 16-312(A) OF THIS TITLE WHICH IS
28 RELEVANT TO AN ADOPTION BY A STEPPARENT; AND

29 (2) A COPY OF ANY AGREEMENT TO WAIVE ARREARAGES OF CHILD
30 SUPPORT.

31 (B) IF ANY OF THE ITEMS REQUIRED BY SUBSECTION (A) OF THIS SECTION IS
32 NOT AVAILABLE, THE PERSON RESPONSIBLE FOR FURNISHING THE ITEM SHALL
33 FILE AN AFFIDAVIT EXPLAINING ITS ABSENCE.

34 16-410.

35 WITHIN 30 DAYS AFTER A PETITION TO ADOPT A MINOR STEPCHILD IS FILED,
36 THE PETITIONER SHALL SERVE NOTICE OF THE PROCEEDING UPON:

37 (1) THE PETITIONER'S SPOUSE;

38 (2) ANY OTHER PERSON WHOSE CONSENT TO THE ADOPTION IS
39 REQUIRED UNDER THIS SUBTITLE;

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1 (3) ANY PERSON DESCRIBED IN § 16-313(A)(3), (4), AND (6) AND (B) OF
2 THIS TITLE; AND

3 (4) THE PARENTS OF THE MINOR'S PARENT WHOSE PARENTAL
4 RELATIONSHIP WILL BE TERMINATED BY THE ADOPTION UNLESS THE IDENTITY OR
5 THE WHEREABOUTS OF THOSE PARENTS ARE UNKNOWN.

6 16-411.

7 (A) AFTER A PETITION FOR ADOPTION OF A MINOR STEPCHILD IS FILED, THE
8 COURT MAY ORDER THAT AN EVALUATION BE MADE BY AN INDIVIDUAL
9 QUALIFIED UNDER § 16-210 OF THIS TITLE TO ASSIST THE COURT IN DETERMINING
10 WHETHER THE PROPOSED ADOPTION IS IN THE BEST INTEREST OF THE MINOR.

11 (B) THE COURT SHALL PROVIDE AN EVALUATOR WITH COPIES OF THE
12 PETITION FOR ADOPTION AND OF THE ITEMS FILED WITH THE PETITION.

13 (C) UNLESS OTHERWISE DIRECTED BY THE COURT, AN EVALUATOR SHALL
14 BASE THE EVALUATION ON A PERSONAL INTERVIEW WITH THE PETITIONER AND
15 THE PETITIONER'S SPOUSE IN THE PETITIONER'S RESIDENCE, OBSERVATION OF THE
16 RELATIONSHIP BETWEEN THE MINOR AND THE PETITIONER, PERSONAL
17 INTERVIEWS WITH OTHERS WHO KNOW THE PETITIONER AND MAY HAVE
18 INFORMATION RELEVANT TO THE EXAMINATION, AND ANY INFORMATION
19 RECEIVED PURSUANT TO SUBSECTION (D) OF THIS SECTION.

20 (D) AN EVALUATION UNDER THIS SECTION MUST BE IN WRITING AND
21 CONTAIN THE FOLLOWING:

22 (1) THE INFORMATION REQUIRED BY § 16-211(D) AND (E) OF THIS TITLE;

23 (2) THE INFORMATION REQUIRED BY § 16-325(B)(2) THROUGH (5) OF
24 THIS TITLE; AND

25 (3) THE FINDING REQUIRED BY § 16-325(B)(6) OF THIS TITLE.

26 (E) AN EVALUATOR SHALL COMPLETE AN EVALUATION AND FILE IT WITH
27 THE COURT WITHIN 60 DAYS AFTER BEING ASKED FOR THE EVALUATION UNDER
28 THIS SECTION, UNLESS THE COURT ALLOWS A LATER FILING.

29 (F) SECTION 16-326(B) AND (C) OF THIS TITLE APPLIES TO AN EVALUATION
30 UNDER THIS SECTION.

31 16-412.

32 SECTIONS 16-327 THROUGH 16-333 OF THIS TITLE APPLY TO A PROCEEDING FOR
33 ADOPTION OF A MINOR STEPCHILD BY A STEPPARENT, BUT THE COURT MAY WAIVE
34 THE REQUIREMENTS OF § 16-328 OF THIS TITLE.

35 16-413.

36 (A) UPON THE REQUEST OF THE PETITIONER IN A PROCEEDING FOR
37 ADOPTION OF A MINOR STEPCHILD, THE COURT SHALL REVIEW A WRITTEN
38 AGREEMENT THAT PERMITS ANOTHER INDIVIDUAL TO VISIT OR COMMUNICATE
39 WITH THE MINOR AFTER THE DECREE OF ADOPTION BECOMES FINAL, WHICH MUST

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1 BE SIGNED BY THE INDIVIDUAL, THE PETITIONER, THE PETITIONER'S SPOUSE, THE
2 MINOR IF 12 YEARS OF AGE OR OLDER, AND, IF AN AGENCY PLACED THE MINOR
3 FOR ADOPTION, AN AUTHORIZED EMPLOYEE OF THE AGENCY.

4 (B) THE COURT MAY ENTER AN ORDER APPROVING THE AGREEMENT ONLY
5 UPON DETERMINING THAT THE AGREEMENT IS IN THE BEST INTEREST OF THE
6 MINOR ADOPTEE. IN MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER:

7 (1) THE PREFERENCE OF THE MINOR, IF THE MINOR IS MATURE
8 ENOUGH TO EXPRESS A PREFERENCE;

9 (2) ANY SPECIAL NEEDS OF THE MINOR AND HOW THEY WOULD BE
10 AFFECTED BY PERFORMANCE OF THE AGREEMENT;

11 (3) THE LENGTH AND QUALITY OF ANY EXISTING RELATIONSHIP
12 BETWEEN THE MINOR AND THE INDIVIDUAL WHO WOULD BE ENTITLED TO VISIT
13 OR COMMUNICATE, AND THE LIKELY EFFECT ON THE MINOR OF ALLOWING THIS
14 RELATIONSHIP TO CONTINUE;

15 (4) THE SPECIFIC TERMS OF THE AGREEMENT AND THE LIKELIHOOD
16 THAT THE PARTIES TO THE AGREEMENT WILL COOPERATE IN PERFORMING ITS
17 TERMS;

18 (5) THE RECOMMENDATION OF THE MINOR'S GUARDIAN AD LITEM,
19 LAWYER, SOCIAL WORKER, OR OTHER COUNSELOR; AND

20 (6) ANY OTHER FACTOR RELEVANT TO THE BEST INTEREST OF THE
21 MINOR.

22 (C) IN ADDITION TO ANY AGREEMENT APPROVED PURSUANT TO
23 SUBSECTIONS (A) AND (B) OF THIS SECTION, THE COURT MAY APPROVE THE
24 CONTINUATION OF AN EXISTING ORDER OR ISSUE A NEW ORDER PERMITTING THE
25 MINOR ADOPTEE'S FORMER PARENT, GRANDPARENT, OR SIBLING TO VISIT OR
26 COMMUNICATE WITH THE MINOR IF:

27 (1) THE GRANDPARENT IS THE PARENT OF A DECEASED PARENT OF
28 THE MINOR OR THE PARENT OF THE ADOPTEE'S PARENT WHOSE PARENTAL
29 RELATIONSHIP TO THE MINOR IS TERMINATED BY THE DECREE OF ADOPTION;

30 (2) THE FORMER PARENT, GRANDPARENT, OR SIBLING REQUESTS
31 THAT AN EXISTING ORDER BE PERMITTED TO SURVIVE THE DECREE OF ADOPTION
32 OR THAT A NEW ORDER BE ISSUED; AND

33 (3) THE COURT DETERMINES THAT THE REQUESTED VISITATION OR
34 COMMUNICATION IS IN THE BEST INTEREST OF THE MINOR.

35 (D) IN MAKING A DETERMINATION UNDER SUBSECTION (C)(3) OF THIS
36 SECTION, THE COURT SHALL CONSIDER THE FACTORS LISTED IN SUBSECTION (B) OF
37 THIS SECTION AND ANY OBJECTIONS TO THE REQUESTED ORDER BY THE ADOPTIVE
38 STEPPARENT AND THE STEPPARENT'S SPOUSE.

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1 (E) AN ORDER ISSUED UNDER THIS SECTION MAY BE ENFORCED IN A CIVIL
2 ACTION ONLY IF THE COURT FINDS THAT ENFORCEMENT IS IN THE BEST INTEREST
3 OF A MINOR ADOPTEE.

4 (F) AN ORDER ISSUED UNDER THIS SECTION MAY NOT BE MODIFIED UNLESS
5 THE COURT FINDS THAT MODIFICATION IS IN THE BEST INTEREST OF A MINOR
6 ADOPTEE AND:

7 (1) THE INDIVIDUALS SUBJECT TO THE ORDER REQUEST THE
8 MODIFICATION; OR

9 (2) EXCEPTIONAL CIRCUMSTANCES ARISING SINCE THE ORDER WAS
10 ISSUED JUSTIFY THE MODIFICATION.

11 (G) FAILURE TO COMPLY WITH THE TERMS OF AN ORDER APPROVED UNDER
12 THIS SECTION OR WITH ANY OTHER AGREEMENT FOR VISITATION OR
13 COMMUNICATION IS NOT A GROUND FOR REVOKING, SETTING ASIDE, OR
14 OTHERWISE CHALLENGING THE VALIDITY OF A CONSENT, RELINQUISHMENT, OR
15 ADOPTION PERTAINING TO A MINOR STEPCHILD, AND THE VALIDITY OF THE
16 CONSENT, RELINQUISHMENT, AND ADOPTION IS NOT AFFECTED BY ANY LATER
17 ACTION TO ENFORCE, MODIFY, OR SET ASIDE THE ORDER OR AGREEMENT.

18 SUBTITLE 5. ADOPTION OF ADULTS AND EMANCIPATED MINORS.

19 16-501.

20 (A) AN ADULT MAY ADOPT ANOTHER ADULT OR AN EMANCIPATED MINOR
21 PURSUANT TO THIS SUBTITLE, BUT:

22 (1) AN ADULT MAY NOT ADOPT HIS OR HER SPOUSE; AND

23 (2) AN INCOMPETENT INDIVIDUAL OF ANY AGE MAY BE ADOPTED
24 ONLY PURSUANT TO SUBTITLES 2, 3, AND 4 OF THIS TITLE.

25 (B) AN INDIVIDUAL WHO HAS ADOPTED AN ADULT OR EMANCIPATED MINOR
26 MAY NOT ADOPT ANOTHER ADULT OR EMANCIPATED MINOR WITHIN 1 YEAR AFTER
27 THE ADOPTION UNLESS THE PROSPECTIVE ADOPTEE IS A SIBLING OF THE ADOPTEE.

28 16-502.

29 THE LEGAL CONSEQUENCES OF AN ADOPTION OF AN ADULT OR
30 EMANCIPATED MINOR ARE THE SAME AS UNDER §§ 16-103 THROUGH 16-106 OF THIS
31 TITLE, BUT THE LEGAL CONSEQUENCES OF ADOPTION OF AN ADULT STEPCHILD BY
32 AN ADULT STEPPARENT ARE THE SAME AS UNDER § 16-403 OF THIS TITLE.

33 16-503.

34 (A) CONSENT TO THE ADOPTION OF AN ADULT OR EMANCIPATED MINOR IS
35 REQUIRED ONLY OF:

36 (1) THE ADOPTEE;

37 (2) THE PROSPECTIVE ADOPTIVE PARENT; AND

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1 (3) THE SPOUSE OF THE PROSPECTIVE ADOPTIVE PARENT, UNLESS
2 THEY ARE LEGALLY SEPARATED, OR THE COURT FINDS THAT THE SPOUSE IS NOT
3 CAPABLE OF GIVING CONSENT OR IS WITHHOLDING CONSENT CONTRARY TO THE
4 BEST INTEREST OF THE ADOPTEE AND THE PROSPECTIVE ADOPTIVE PARENT.

5 (B) THE CONSENT OF THE ADOPTEE AND THE PROSPECTIVE ADOPTIVE
6 PARENT MUST:

7 (1) BE IN WRITING AND BE SIGNED OR CONFIRMED BY EACH OF THEM
8 IN THE PRESENCE OF THE COURT OR AN INDIVIDUAL AUTHORIZED TO TAKE
9 ACKNOWLEDGMENTS;

10 (2) STATE THAT THEY AGREE TO ASSUME TOWARD EACH OTHER THE
11 LEGAL RELATIONSHIP OF PARENT AND CHILD AND TO HAVE ALL OF THE RIGHTS
12 AND BE SUBJECT TO ALL OF THE DUTIES OF THAT RELATIONSHIP; AND

13 (3) STATE THAT THEY UNDERSTAND THE CONSEQUENCES THE
14 ADOPTION MAY HAVE FOR ANY RIGHT OF INHERITANCE, PROPERTY, OR SUPPORT
15 EACH HAS.

16 (C) THE CONSENT OF THE SPOUSE OF THE PROSPECTIVE ADOPTIVE PARENT:

17 (1) MUST BE IN WRITING AND BE SIGNED OR CONFIRMED IN THE
18 PRESENCE OF THE COURT OR AN INDIVIDUAL AUTHORIZED TO TAKE
19 ACKNOWLEDGMENTS;

20 (2) MUST STATE THAT THE SPOUSE:

21 (I) CONSENTS TO THE PROPOSED ADOPTION; AND

22 (II) UNDERSTANDS THE CONSEQUENCES THE ADOPTION MAY
23 HAVE FOR ANY RIGHT OF INHERITANCE, PROPERTY, OR SUPPORT THE SPOUSE HAS;
24 AND

25 (3) MAY CONTAIN A WAIVER OF ANY PROCEEDING FOR ADOPTION.

26 16-504.

27 (A) THE COURT HAS JURISDICTION OVER A PROCEEDING FOR THE
28 ADOPTION OF AN ADULT OR EMANCIPATED MINOR UNDER THIS SUBTITLE IF A
29 PETITIONER LIVED IN THIS STATE FOR AT LEAST 90 DAYS IMMEDIATELY
30 PRECEDING THE FILING OF A PETITION FOR ADOPTION.

31 (B) A PETITION FOR ADOPTION MAY BE FILED IN THE COURT IN THE COUNTY
32 IN WHICH A PETITIONER LIVES.

33 16-505.

34 (A) A PROSPECTIVE ADOPTIVE PARENT AND AN ADOPTEE UNDER THIS
35 SUBTITLE MUST JOINTLY FILE A PETITION FOR ADOPTION.

36 (B) THE PETITION MUST BE SIGNED AND VERIFIED BY EACH PETITIONER
37 AND STATE:

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1 (1) THE FULL NAME, AGE, AND PLACE AND DURATION OF RESIDENCE
2 OF EACH PETITIONER;

3 (2) THE CURRENT MARITAL STATUS OF EACH PETITIONER, INCLUDING
4 THE DATE AND PLACE OF MARRIAGE, IF MARRIED;

5 (3) THE FULL NAME BY WHICH THE ADOPTEE IS TO BE KNOWN IF THE
6 PETITION IS GRANTED;

7 (4) THE DURATION AND NATURE OF THE RELATIONSHIP BETWEEN THE
8 PROSPECTIVE ADOPTIVE PARENT AND THE ADOPTEE;

9 (5) THAT THE PROSPECTIVE ADOPTIVE PARENT AND THE ADOPTEE
10 DESIRE TO ASSUME THE LEGAL RELATIONSHIP OF PARENT AND CHILD AND TO
11 HAVE ALL OF THE RIGHTS AND BE SUBJECT TO ALL OF THE DUTIES OF THAT
12 RELATIONSHIP;

13 (6) THAT THE ADOPTEE UNDERSTANDS THAT A CONSEQUENCE OF THE
14 ADOPTION WILL BE TO TERMINATE THE ADOPTEE'S RELATIONSHIP AS THE CHILD
15 OF AN EXISTING PARENT, BUT IF THE ADOPTIVE PARENT IS THE ADOPTEE'S
16 STEPPARENT, THE ADOPTION WILL NOT AFFECT THE ADOPTEE'S RELATIONSHIP
17 WITH A PARENT WHO IS THE STEPPARENT'S SPOUSE, BUT WILL TERMINATE THE
18 ADOPTEE'S RELATIONSHIP TO THE ADOPTEE'S OTHER PARENT, EXCEPT FOR THE
19 RIGHT TO INHERIT FROM OR THROUGH THAT PARENT;

20 (7) THE NAME AND LAST KNOWN ADDRESS OF ANY OTHER INDIVIDUAL
21 WHOSE CONSENT IS REQUIRED;

22 (8) THE NAME, AGE, AND LAST KNOWN ADDRESS OF ANY CHILD OF THE
23 PROSPECTIVE ADOPTIVE PARENT, INCLUDING A CHILD PREVIOUSLY ADOPTED BY
24 THE PROSPECTIVE ADOPTIVE PARENT OR HIS OR HER SPOUSE, AND THE DATE AND
25 PLACE OF THE ADOPTION; AND

26 (9) THE NAME, AGE, AND LAST KNOWN ADDRESS OF ANY LIVING
27 PARENT OR CHILD OF THE ADOPTEE.

28 (C) THE PETITIONERS SHALL ATTACH TO THE PETITION:

29 (1) A CERTIFIED COPY OF THE BIRTH CERTIFICATE OR OTHER
30 EVIDENCE OF THE DATE AND PLACE OF BIRTH OF THE ADOPTEE AND THE
31 PROSPECTIVE ADOPTIVE PARENT, IF AVAILABLE; AND

32 (2) ANY REQUIRED CONSENT THAT HAS BEEN EXECUTED.

33 16-506.

34 (A) WITHIN 30 DAYS AFTER A PETITION FOR ADOPTION IS FILED, THE
35 PETITIONERS SHALL SERVE NOTICE OF HEARING THE PETITION UPON ANY
36 INDIVIDUAL WHOSE CONSENT TO THE ADOPTION IS REQUIRED UNDER § 16-503 OF
37 THIS SUBTITLE, AND WHO HAS NOT WAIVED NOTICE, BY SENDING A COPY OF THE
38 PETITION AND NOTICE OF HEARING TO THE INDIVIDUAL AT THE ADDRESS STATED
39 IN THE PETITION, OR ACCORDING TO THE MANNER OF SERVICE PROVIDED IN §
40 16-315 OF THIS TITLE.

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1 (B) THE COURT SHALL SET A DATE AND TIME FOR HEARING THE PETITION,
2 WHICH MUST BE AT LEAST 30 DAYS AFTER THE NOTICE IS SERVED.

3 16-507.

4 (A) BOTH PETITIONERS SHALL APPEAR IN PERSON AT THE HEARING UNLESS
5 AN APPEARANCE IS EXCUSED FOR GOOD CAUSE SHOWN. IN THE LATTER EVENT AN
6 APPEARANCE MAY BE MADE FOR EITHER OR BOTH OF THEM BY A LAWYER
7 AUTHORIZED IN WRITING TO MAKE THE APPEARANCE, OR A HEARING MAY BE
8 CONDUCTED BY TELEPHONE OR OTHER ELECTRONIC MEDIUM.

9 (B) THE COURT SHALL EXAMINE THE PETITIONERS, OR THE LAWYER FOR A
10 PETITIONER NOT PRESENT IN PERSON, AND SHALL GRANT THE PETITION FOR
11 ADOPTION IF IT DETERMINES THAT:

12 (1) AT LEAST 30 DAYS HAVE ELAPSED SINCE THE SERVICE OF NOTICE
13 OF HEARING THE PETITION FOR ADOPTION;

14 (2) NOTICE HAS BEEN SERVED, OR DISPENSED WITH, AS TO ANY
15 PERSON WHOSE CONSENT IS REQUIRED UNDER § 16-503 OF THIS SUBTITLE;

16 (3) EVERY NECESSARY CONSENT, WAIVER, DOCUMENT, OR JUDICIAL
17 ORDER HAS BEEN OBTAINED AND FILED WITH THE COURT;

18 (4) THE ADOPTION IS FOR THE PURPOSE OF CREATING THE
19 RELATIONSHIP OF PARENT AND CHILD BETWEEN THE PETITIONERS AND THE
20 PETITIONERS UNDERSTAND THE CONSEQUENCES OF THE RELATIONSHIP; AND

21 (5) THERE HAS BEEN SUBSTANTIAL COMPLIANCE WITH THIS TITLE.

22 16-508.

23 (A) A DECREE OF ADOPTION ISSUED UNDER THIS SUBTITLE MUST
24 SUBSTANTIALLY CONFORM TO THE RELEVANT REQUIREMENTS OF § 16-331 OF THIS
25 TITLE AND APPEALS FROM A DECREE, OR CHALLENGES TO IT, ARE GOVERNED BY §§
26 16-332 AND 16-333 OF THIS TITLE.

27 (B) THE COURT SHALL SEND A COPY OF THE DECREE TO EACH INDIVIDUAL
28 NAMED IN THE PETITION AT THE ADDRESS STATED IN THE PETITION.

29 (C) WITHIN 30 DAYS AFTER A DECREE OF ADOPTION BECOMES FINAL, THE
30 CLERK OF THE COURT SHALL PREPARE A REPORT OF THE ADOPTION FOR THE
31 STATE REGISTRAR OF VITAL RECORDS, AND, IF THE PETITIONERS HAVE
32 REQUESTED IT, THE REPORT SHALL INSTRUCT THE REGISTRAR TO ISSUE A NEW
33 BIRTH CERTIFICATE TO THE ADOPTEE, AS PROVIDED IN SUBTITLE 3, PART VIII OF
34 THIS TITLE.

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1 SUBTITLE 6. RECORDS OF ADOPTION PROCEEDING: RETENTION,
2 CONFIDENTIALITY, AND ACCESS.

3 16-601.

4 UNLESS THE CONTEXT REQUIRES OTHERWISE, FOR PURPOSES OF THIS
5 SUBTITLE, "RECORDS" INCLUDES ALL DOCUMENTS, EXHIBITS, AND DATA
6 PERTAINING TO AN ADOPTION.

7 16-602.

8 (A) ALL RECORDS, WHETHER ON FILE WITH THE COURT, OR IN THE
9 POSSESSION OF AN AGENCY, THE REGISTRAR OF VITAL RECORDS OR STATISTICS, A
10 LAWYER, OR ANOTHER PROVIDER OF PROFESSIONAL SERVICES IN CONNECTION
11 WITH AN ADOPTION, ARE CONFIDENTIAL AND MAY NOT BE INSPECTED EXCEPT AS
12 PROVIDED IN THIS TITLE.

13 (B) DURING A PROCEEDING FOR ADOPTION, RECORDS ARE NOT OPEN TO
14 INSPECTION EXCEPT AS DIRECTED BY THE COURT.

15 (C) WITHIN 30 DAYS AFTER A DECREE OF ADOPTION BECOMES FINAL, THE
16 CLERK OF THE COURT SHALL SEND TO THE REGISTRAR, IN ADDITION TO THE
17 REPORT OF ADOPTION REQUIRED BY § 16-334 OF THIS TITLE, A CERTIFIED COPY OF
18 ANY DOCUMENT SIGNED PURSUANT TO § 16-223(E) OF THIS TITLE AND FILED IN THE
19 PROCEEDING FOR ADOPTION.

20 (D) ALL RECORDS ON FILE WITH THE COURT MUST BE RETAINED
21 PERMANENTLY AND SEALED FOR 99 YEARS AFTER THE DATE OF THE ADOPTEE'S
22 BIRTH. SEALED RECORDS AND INDICES OF THE RECORDS ARE NOT OPEN TO
23 INSPECTION BY ANY PERSON EXCEPT AS PROVIDED IN THIS TITLE.

24 (E) ANY ADDITIONAL INFORMATION ABOUT AN ADOPTEE, THE ADOPTEE'S
25 FORMER PARENTS, AND THE ADOPTEE'S GENETIC HISTORY THAT IS SUBMITTED TO
26 THE COURT WITHIN THE 99-YEAR PERIOD, MUST BE ADDED TO THE SEALED
27 RECORDS OF THE COURT. ANY ADDITIONAL INFORMATION THAT IS SUBMITTED TO
28 AN AGENCY, LAWYER, OR OTHER PROFESSIONAL PROVIDER OF SERVICES WITHIN
29 THE 99-YEAR PERIOD MUST BE KEPT CONFIDENTIAL.

30 16-603.

31 (A) AN ADOPTIVE PARENT OR GUARDIAN OF AN ADOPTEE, AN ADOPTEE
32 WHO HAS ATTAINED 18 YEARS OF AGE, AN EMANCIPATED ADOPTEE, A DECEASED
33 ADOPTEE'S DIRECT DESCENDANT WHO HAS ATTAINED 18 YEARS OF AGE, OR THE
34 PARENT OR GUARDIAN OF A DIRECT DESCENDANT WHO HAS NOT ATTAINED 18
35 YEARS OF AGE MAY REQUEST THE COURT THAT GRANTED THE ADOPTION OR THE
36 AGENCY THAT PLACED THE ADOPTEE FOR ADOPTION, TO FURNISH THE
37 NONIDENTIFYING INFORMATION ABOUT THE ADOPTEE, THE ADOPTEE'S FORMER
38 PARENTS, AND THE ADOPTEE'S GENETIC HISTORY THAT HAS BEEN RETAINED BY
39 THE COURT OR AGENCY, INCLUDING THE INFORMATION REQUIRED BY § 16-206 OF
40 THIS TITLE.

41 (B) THE COURT OR AGENCY SHALL FURNISH THE INDIVIDUAL WHO MAKES
42 THE REQUEST WITH A DETAILED SUMMARY OF ANY RELEVANT REPORT OR

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1 INFORMATION THAT IS INCLUDED IN THE SEALED RECORDS OF THE COURT OR THE
2 CONFIDENTIAL RECORDS OF THE AGENCY. THE SUMMARY MUST EXCLUDE
3 IDENTIFYING INFORMATION CONCERNING AN INDIVIDUAL WHO HAS NOT FILED A
4 WAIVER OF CONFIDENTIALITY WITH THE COURT OR AGENCY. THE DEPARTMENT
5 OR THE COURT SHALL PRESCRIBE FORMS AND A PROCEDURE FOR SUMMARIZING
6 ANY REPORT OR INFORMATION RELEASED UNDER THIS SECTION.

7 (C) AN INDIVIDUAL WHO IS DENIED ACCESS TO NONIDENTIFYING
8 INFORMATION TO WHICH THE INDIVIDUAL IS ENTITLED UNDER THIS SUBTITLE OR §
9 16-206 OF THIS TITLE MAY PETITION THE COURT FOR RELIEF.

10 (D) IF A COURT RECEIVES A CERTIFIED STATEMENT FROM A PHYSICIAN
11 WHICH EXPLAINS IN DETAIL HOW A HEALTH CONDITION MAY SERIOUSLY AFFECT
12 THE HEALTH OF THE ADOPTEE OR A DIRECT DESCENDANT OF THE ADOPTEE, THE
13 COURT SHALL MAKE A DILIGENT EFFORT TO NOTIFY AN ADOPTEE WHO HAS
14 ATTAINED 18 YEARS OF AGE, AN ADOPTIVE PARENT OR GUARDIAN OF AN ADOPTEE
15 WHO HAS NOT ATTAINED 18 YEARS OF AGE, OR A DIRECT DESCENDANT OF A
16 DECEASED ADOPTEE THAT THE NONIDENTIFYING INFORMATION IS AVAILABLE
17 AND MAY BE REQUESTED FROM THE COURT.

18 (E) IF A COURT RECEIVES A CERTIFIED STATEMENT FROM A PHYSICIAN
19 WHICH EXPLAINS IN DETAIL WHY A SERIOUS HEALTH CONDITION OF THE ADOPTEE
20 OR A DIRECT DESCENDANT OF THE ADOPTEE SHOULD BE COMMUNICATED TO THE
21 ADOPTEE'S GENETIC PARENT OR SIBLING TO ENABLE THEM TO MAKE AN
22 INFORMED REPRODUCTIVE DECISION, THE COURT SHALL MAKE A DILIGENT
23 EFFORT TO NOTIFY THOSE INDIVIDUALS THAT THE NONIDENTIFYING
24 INFORMATION IS AVAILABLE AND MAY BE REQUESTED FROM THE COURT.

25 (F) IF THE REGISTRAR RECEIVES A REQUEST OR ANY ADDITIONAL
26 INFORMATION FROM AN INDIVIDUAL PURSUANT TO THIS SECTION, THE REGISTRAR
27 SHALL GIVE THE INDIVIDUAL THE NAME AND ADDRESS OF THE COURT OR AGENCY
28 HAVING THE RECORDS, AND IF THE COURT OR AGENCY IS IN ANOTHER STATE,
29 SHALL ASSIST THE INDIVIDUAL IN LOCATING THE COURT OR AGENCY. THE
30 REGISTRAR SHALL PRESCRIBE A REASONABLE PROCEDURE FOR VERIFYING THE
31 IDENTITY, AGE, OR OTHER RELEVANT CHARACTERISTICS OF AN INDIVIDUAL WHO
32 REQUESTS OR FURNISHES INFORMATION UNDER THIS SECTION.

33 16-604.

34 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE IDENTIFYING
35 INFORMATION ABOUT AN ADOPTEE'S FORMER PARENT, AN ADOPTEE, OR AN
36 ADOPTIVE PARENT WHICH IS CONTAINED IN RECORDS, INCLUDING ORIGINAL
37 BIRTH CERTIFICATES, REQUIRED BY THIS TITLE TO BE CONFIDENTIAL OR SEALED,
38 MAY NOT BE DISCLOSED TO ANY PERSON.

39 (B) IDENTIFYING INFORMATION ABOUT AN ADOPTEE'S FORMER PARENT
40 MUST BE DISCLOSED BY THE REGISTRAR TO AN ADOPTEE WHO HAS ATTAINED 18
41 YEARS OF AGE, AN ADOPTIVE PARENT OR GUARDIAN OF AN ADOPTEE WHO HAS
42 NOT ATTAINED 18 YEARS OF AGE, A DECEASED ADOPTEE'S DIRECT DESCENDANT
43 WHO HAS ATTAINED 18 YEARS OF AGE, OR THE PARENT OR GUARDIAN OF A DIRECT

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1 DESCENDANT WHO HAS NOT ATTAINED 18 YEARS OF AGE IF ONE OF THESE
2 INDIVIDUALS REQUESTS THE INFORMATION AND:

3 (1) THE ADOPTEE'S FORMER PARENT OR, IF THE FORMER PARENT IS
4 DECEASED OR HAS BEEN JUDICIALLY DECLARED INCOMPETENT, AN ADULT
5 DESCENDANT OF THE FORMER PARENT AUTHORIZES THE DISCLOSURE OF HIS OR
6 HER NAME, DATE OF BIRTH, OR LAST KNOWN ADDRESS, OR OTHER IDENTIFYING
7 INFORMATION, EITHER IN A DOCUMENT SIGNED PURSUANT TO § 16-223(E) OF THIS
8 TITLE AND FILED IN THE PROCEEDING FOR ADOPTION OR IN ANOTHER SIGNED
9 DOCUMENT FILED WITH THE COURT, AN AGENCY, OR THE REGISTRAR; OR

10 (2) THE ADOPTEE'S FORMER PARENT AUTHORIZES THE DISCLOSURE
11 OF THE REQUESTED INFORMATION ONLY IF THE ADOPTEE, ADOPTIVE PARENT, OR
12 DIRECT DESCENDANT AGREES TO RELEASE SIMILAR IDENTIFYING INFORMATION
13 ABOUT THE ADOPTEE, ADOPTIVE PARENT, OR DIRECT DESCENDANT AND THIS
14 INDIVIDUAL AUTHORIZES THE DISCLOSURE OF THE INFORMATION IN A SIGNED
15 DOCUMENT KEPT BY THE COURT, AN AGENCY, OR THE REGISTRAR.

16 (C) IDENTIFYING INFORMATION ABOUT AN ADOPTEE OR A DECEASED
17 ADOPTEE'S DIRECT DESCENDANT MUST BE DISCLOSED BY THE REGISTRAR TO AN
18 ADOPTEE'S FORMER PARENT IF THAT INDIVIDUAL REQUESTS THE INFORMATION
19 AND:

20 (1) AN ADOPTEE WHO HAS ATTAINED 18 YEARS OF AGE, AN ADOPTIVE
21 PARENT OR GUARDIAN OF AN ADOPTEE WHO HAS NOT ATTAINED 18 YEARS OF AGE,
22 A DECEASED ADOPTEE'S DIRECT DESCENDANT WHO HAS ATTAINED 18 YEARS OF
23 AGE, OR THE PARENT OR GUARDIAN OF A DIRECT DESCENDANT WHO HAS NOT
24 ATTAINED 18 YEARS OF AGE AUTHORIZES THE DISCLOSURE OF THE REQUESTED
25 INFORMATION IN A SIGNED DOCUMENT KEPT BY THE COURT, AN AGENCY, OR THE
26 REGISTRAR; OR

27 (2) ONE OF THE INDIVIDUALS LISTED IN PARAGRAPH (1) OF THIS
28 SUBSECTION AUTHORIZES THE DISCLOSURE OF THE REQUESTED INFORMATION
29 ONLY IF THE ADOPTEE'S FORMER PARENT AGREES TO RELEASE SIMILAR
30 INFORMATION ABOUT HIMSELF OR HERSELF, AND THE FORMER PARENT
31 AUTHORIZES THE DISCLOSURE OF THE INFORMATION IN A SIGNED DOCUMENT
32 KEPT BY THE COURT, AN AGENCY, OR THE REGISTRAR.

33 (D) IDENTIFYING INFORMATION ABOUT AN ADULT SIBLING OF AN ADOPTEE
34 WHO HAS ATTAINED 18 YEARS OF AGE MUST BE DISCLOSED BY THE REGISTRAR TO
35 AN ADOPTEE IF THE SIBLING IS ALSO AN ADOPTEE AND BOTH THE SIBLING AND THE
36 ADOPTEE AUTHORIZE THE DISCLOSURE.

37 (E) SUBSECTION (D) OF THIS SECTION DOES NOT PERMIT DISCLOSURE OF A
38 FORMER PARENT'S IDENTITY UNLESS THAT PARENT HAS AUTHORIZED DISCLOSURE
39 UNDER THIS TITLE.

40 16-605.

41 (A) TO OBTAIN INFORMATION NOT OTHERWISE AVAILABLE UNDER § 16-603
42 OR § 16-604 OF THIS SUBTITLE, AN ADOPTEE WHO HAS ATTAINED 18 YEARS OF AGE,
43 AN ADOPTEE WHO HAS NOT ATTAINED 18 YEARS OF AGE AND HAS THE PERMISSION

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1 OF AN ADOPTIVE PARENT OR GUARDIAN, AN ADOPTIVE PARENT OR GUARDIAN OF
2 AN ADOPTEE WHO HAS NOT ATTAINED 18 YEARS OF AGE, A DECEASED ADOPTEE'S
3 DIRECT DESCENDANT WHO HAS ATTAINED 18 YEARS OF AGE, THE PARENT OR
4 GUARDIAN OF A DIRECT DESCENDANT WHO HAS NOT ATTAINED 18 YEARS OF AGE,
5 OR AN ADOPTEE'S FORMER PARENT MAY FILE A PETITION IN THE COURT TO
6 OBTAIN INFORMATION ABOUT ANOTHER INDIVIDUAL DESCRIBED IN THIS SECTION
7 WHICH IS CONTAINED IN RECORDS, INCLUDING ORIGINAL BIRTH CERTIFICATES,
8 REQUIRED BY THIS TITLE TO BE CONFIDENTIAL OR SEALED.

9 (B) IN DETERMINING WHETHER TO GRANT A PETITION UNDER THIS
10 SECTION, THE COURT SHALL REVIEW THE SEALED RECORDS OF THE RELEVANT
11 PROCEEDING FOR ADOPTION AND SHALL MAKE SPECIFIC FINDINGS CONCERNING:

12 (1) THE REASON THE INFORMATION IS SOUGHT;

13 (2) WHETHER THE INDIVIDUAL ABOUT WHOM INFORMATION IS
14 SOUGHT HAS FILED A SIGNED DOCUMENT DESCRIBED IN § 16-223(E) OF THIS TITLE
15 OR § 16-604 OF THIS SUBTITLE REQUESTING THAT HIS OR HER IDENTITY NOT BE
16 DISCLOSED, OR HAS NOT FILED ANY DOCUMENT;

17 (3) WHETHER THE INDIVIDUAL ABOUT WHOM INFORMATION IS
18 SOUGHT IS ALIVE;

19 (4) WHETHER IT IS POSSIBLE TO SATISFY THE PETITIONER'S REQUEST
20 WITHOUT DISCLOSING THE IDENTITY OF ANOTHER INDIVIDUAL;

21 (5) THE LIKELY EFFECT OF DISCLOSURE ON THE ADOPTEE, THE
22 ADOPTIVE PARENTS, THE ADOPTEE'S FORMER PARENTS, AND OTHER MEMBERS OF
23 THE ADOPTEE'S ORIGINAL AND ADOPTIVE FAMILIES; AND

24 (6) THE AGE, MATURITY, AND EXPRESSED NEEDS OF THE ADOPTEE.

25 (C) THE COURT MAY ORDER THE DISCLOSURE OF THE REQUESTED
26 INFORMATION ONLY UPON A DETERMINATION THAT GOOD CAUSE EXISTS FOR THE
27 RELEASE BASED ON THE FINDINGS REQUIRED BY SUBSECTION (B) OF THIS SECTION
28 AND A CONCLUSION THAT:

29 (1) THERE IS A COMPELLING REASON FOR DISCLOSURE OF THE
30 INFORMATION; AND

31 (2) THE BENEFIT TO THE PETITIONER WILL BE GREATER THAN THE
32 HARM TO ANY OTHER INDIVIDUAL OF DISCLOSING THE INFORMATION.

33 16-606.

34 THE REGISTRAR SHALL:

35 (1) ESTABLISH A STATEWIDE CONFIDENTIAL REGISTRY FOR
36 RECEIVING, FILING, AND RETAINING DOCUMENTS REQUESTING, AUTHORIZING, OR
37 NOT AUTHORIZING, THE RELEASE OF IDENTIFYING INFORMATION;

38 (2) PRESCRIBE AND DISTRIBUTE FORMS OR DOCUMENTS ON WHICH AN
39 INDIVIDUAL MAY REQUEST, AUTHORIZE, OR REFUSE TO AUTHORIZE THE RELEASE
40 OF IDENTIFYING INFORMATION;

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1 (3) DEVISE A PROCEDURE FOR RELEASING IDENTIFYING
2 INFORMATION IN THE REGISTRAR'S POSSESSION UPON RECEIPT OF AN
3 APPROPRIATE REQUEST AND AUTHORIZATION;

4 (4) COOPERATE WITH REGISTRIES IN OTHER STATES TO FACILITATE
5 THE MATCHING OF DOCUMENTS FILED PURSUANT TO THIS SUBTITLE BY
6 INDIVIDUALS IN DIFFERENT STATES; AND

7 (5) ANNOUNCE AND PUBLICIZE TO THE GENERAL PUBLIC THE
8 EXISTENCE OF THE REGISTRY AND THE PROCEDURE FOR THE CONSENSUAL
9 RELEASE OF IDENTIFYING INFORMATION.

10 16-607.

11 (A) IN ADDITION TO ANY COPY OF AN ADOPTEE'S ORIGINAL BIRTH
12 CERTIFICATE AUTHORIZED FOR RELEASE BY A COURT ORDER ISSUED PURSUANT
13 TO § 16-605 OF THIS SUBTITLE, THE REGISTRAR SHALL FURNISH A COPY OF THE
14 ORIGINAL BIRTH CERTIFICATE UPON THE REQUEST OF AN ADOPTEE WHO HAS
15 ATTAINED 18 YEARS OF AGE, THE DIRECT DESCENDANT OF A DECEASED ADOPTEE,
16 OR AN ADOPTIVE PARENT OR GUARDIAN OF AN ADOPTEE WHO HAS NOT ATTAINED
17 18 YEARS OF AGE, IF THE INDIVIDUAL WHO MAKES THE REQUEST FURNISHES A
18 CONSENT TO DISCLOSURE SIGNED BY EACH INDIVIDUAL WHO WAS NAMED AS A
19 PARENT ON THE ADOPTEE'S ORIGINAL BIRTH CERTIFICATE.

20 (B) WHEN 99 YEARS HAVE ELAPSED AFTER THE DATE OF BIRTH OF AN
21 ADOPTEE WHOSE ORIGINAL BIRTH CERTIFICATE IS SEALED UNDER THIS TITLE, THE
22 REGISTRAR SHALL UNSEAL THE ORIGINAL CERTIFICATE AND FILE IT WITH ANY
23 NEW OR AMENDED CERTIFICATE THAT HAS BEEN ISSUED. THE UNSEALED
24 CERTIFICATES BECOME PUBLIC INFORMATION IN ACCORDANCE WITH ANY
25 STATUTE OR REGULATION APPLICABLE TO THE RETENTION AND DISCLOSURE OF
26 RECORDS BY THE REGISTRAR.

27 16-608.

28 UPON THE REQUEST OF AN ADOPTIVE PARENT OR AN ADOPTEE WHO HAS
29 ATTAINED 18 YEARS OF AGE, THE CLERK OF THE COURT THAT ENTERED A DECREE
30 OF ADOPTION SHALL ISSUE A CERTIFICATE OF ADOPTION WHICH STATES THE DATE
31 AND PLACE OF ADOPTION, THE DATE OF BIRTH OF THE ADOPTEE, THE NAME OF
32 EACH ADOPTIVE PARENT, AND THE NAME OF THE ADOPTEE AS PROVIDED IN THE
33 DECREE.

34 16-609.

35 THIS SUBTITLE DOES NOT PRECLUDE AN EMPLOYEE OR AGENT OF A COURT,
36 AGENCY, OR THE REGISTRAR FROM:

37 (1) INSPECTING PERMANENT, CONFIDENTIAL, OR SEALED RECORDS
38 FOR THE PURPOSE OF DISCHARGING ANY OBLIGATION UNDER THIS TITLE;

39 (2) DISCLOSING THE NAME OF THE COURT WHERE A PROCEEDING FOR
40 ADOPTION OCCURRED, OR THE NAME OF AN AGENCY THAT PLACED AN ADOPTEE,
41 TO AN INDIVIDUAL DESCRIBED IN §§ 16-603 THROUGH 16-605 OF THIS SUBTITLE, WHO
42 CAN VERIFY HIS OR HER IDENTITY; OR

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1 (3) DISCLOSING NONIDENTIFYING INFORMATION CONTAINED IN
2 CONFIDENTIAL OR SEALED RECORDS IN ACCORDANCE WITH ANY OTHER
3 APPLICABLE STATE OR FEDERAL LAW.

4 16-610.

5 A COURT, AN AGENCY, OR THE REGISTRAR MAY CHARGE A REASONABLE FEE
6 FOR SERVICES, INCLUDING COPYING SERVICES, IT PERFORMS PURSUANT TO THIS
7 SUBTITLE.

8 SUBTITLE 7. PROHIBITED AND PERMISSIBLE ACTIVITIES IN CONNECTION WITH
9 ADOPTION.

10 16-701.

11 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBTITLE 2, PART I OF THIS TITLE:

12 (1) A PERSON, OTHER THAN A PARENT, GUARDIAN, OR AGENCY, AS
13 SPECIFIED IN §§ 16-201 THROUGH 16-203 OF THIS TITLE, MAY NOT PLACE A MINOR
14 FOR ADOPTION OR ADVERTISE IN ANY PUBLIC MEDIUM THAT THE PERSON KNOWS
15 OF A MINOR WHO IS AVAILABLE FOR ADOPTION;

16 (2) A PERSON, OTHER THAN AN AGENCY OR AN INDIVIDUAL WITH A
17 FAVORABLE PREPLACEMENT EVALUATION, AS REQUIRED BY §§ 16-209 THROUGH
18 16-215 OF THIS TITLE, MAY NOT ADVERTISE IN ANY PUBLIC MEDIUM THAT THE
19 PERSON IS WILLING TO ACCEPT A MINOR FOR ADOPTION;

20 (3) AN INDIVIDUAL, OTHER THAN A RELATIVE OR STEPPARENT OF A
21 MINOR, WHO DOES NOT HAVE A FAVORABLE PREPLACEMENT EVALUATION OR A
22 COURT-ORDERED WAIVER OF THE EVALUATION, OR WHO HAS AN UNFAVORABLE
23 EVALUATION, MAY NOT OBTAIN LEGAL OR PHYSICAL CUSTODY OF A MINOR FOR
24 PURPOSES OF ADOPTION; AND

25 (4) A PERSON MAY NOT PLACE OR ASSIST IN PLACING A MINOR FOR
26 ADOPTION WITH AN INDIVIDUAL, OTHER THAN A RELATIVE OR STEPPARENT,
27 UNLESS THE PERSON KNOWS THAT THE INDIVIDUAL HAS A FAVORABLE
28 PREPLACEMENT EVALUATION OR A WAIVER PURSUANT TO § 16-209 OF THIS TITLE.

29 (B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS LIABLE
30 FOR A CIVIL PENALTY NOT TO EXCEED \$5,000 FOR THE FIRST VIOLATION, AND NOT
31 TO EXCEED \$10,000 FOR EACH SUCCEEDING VIOLATION IN AN ACTION BROUGHT BY
32 THE APPROPRIATE OFFICIAL. THE COURT MAY ENJOIN FROM FURTHER
33 VIOLATIONS ANY PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION AND
34 SHALL INFORM ANY APPROPRIATE LICENSING AUTHORITY OR OTHER OFFICIAL OF
35 THE VIOLATION.

36 16-702.

37 (A) EXCEPT AS OTHERWISE PROVIDED IN §§ 16-703 AND 16-704 OF THIS
38 SUBTITLE, A PERSON MAY NOT PAY OR GIVE OR OFFER TO PAY OR GIVE TO ANY
39 OTHER PERSON, OR REQUEST, RECEIVE, OR ACCEPT ANY MONEY OR ANYTHING OF
40 VALUE, DIRECTLY OR INDIRECTLY, FOR:

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1 (1) THE PLACEMENT OF A MINOR FOR ADOPTION;

2 (2) THE CONSENT OF A PARENT, A GUARDIAN, OR AN AGENCY TO THE
3 ADOPTION OF A MINOR; OR

4 (3) THE RELINQUISHMENT OF A MINOR TO AN AGENCY FOR THE
5 PURPOSE OF ADOPTION.

6 (B) THE FOLLOWING PERSONS ARE LIABLE FOR A CIVIL PENALTY NOT TO
7 EXCEED \$5,000 FOR THE FIRST VIOLATION, AND NOT TO EXCEED \$10,000 FOR EACH
8 SUCCEEDING VIOLATION IN AN ACTION BROUGHT BY THE APPROPRIATE OFFICIAL:

9 (1) A PERSON WHO KNOWINGLY VIOLATES SUBSECTION (A) OF THIS
10 SECTION;

11 (2) A PERSON WHO KNOWINGLY MAKES A FALSE REPORT TO THE
12 COURT ABOUT A PAYMENT PROHIBITED BY THIS SECTION OR AUTHORIZED BY §
13 16-703 OR § 16-704 OF THIS SUBTITLE; AND

14 (3) A PARENT OR GUARDIAN WHO KNOWINGLY RECEIVES OR ACCEPTS
15 A PAYMENT AUTHORIZED BY § 16-703 OR § 16-704 OF THIS SUBTITLE WITH THE
16 INTENT NOT TO CONSENT TO AN ADOPTION OR TO RELINQUISH A MINOR FOR
17 ADOPTION.

18 (C) THE COURT MAY ENJOIN FROM FURTHER VIOLATIONS ANY PERSON
19 DESCRIBED IN SUBSECTION (B) OF THIS SECTION AND SHALL INFORM ANY
20 APPROPRIATE LICENSING AUTHORITY OR OTHER OFFICIAL OF THE VIOLATION.

21 16-703.

22 (A) SUBJECT TO THE REQUIREMENTS OF §§ 16-328 AND 16-329 OF THIS TITLE
23 FOR AN ACCOUNTING AND JUDICIAL APPROVAL OF FEES AND CHARGES RELATED
24 TO AN ADOPTION, AN ADOPTIVE PARENT, OR A PERSON ACTING ON BEHALF OF AN
25 ADOPTIVE PARENT, MAY PAY FOR:

26 (1) THE SERVICES OF AN AGENCY IN CONNECTION WITH AN ADOPTION;

27 (2) ADVERTISING AND SIMILAR EXPENSES INCURRED IN LOCATING A
28 MINOR FOR ADOPTION;

29 (3) MEDICAL, HOSPITAL, NURSING, PHARMACEUTICAL, TRAVEL, OR
30 OTHER SIMILAR EXPENSES INCURRED BY A MOTHER OR HER MINOR CHILD IN
31 CONNECTION WITH THE BIRTH OR ANY ILLNESS OF THE MINOR;

32 (4) COUNSELING SERVICES FOR A PARENT OR A MINOR FOR A
33 REASONABLE TIME BEFORE AND AFTER THE MINOR'S PLACEMENT FOR ADOPTION;

34 (5) LIVING EXPENSES OF A MOTHER FOR A REASONABLE TIME BEFORE
35 THE BIRTH OF HER CHILD AND FOR NO MORE THAN 6 WEEKS AFTER THE BIRTH;

36 (6) EXPENSES INCURRED IN ASCERTAINING THE INFORMATION
37 REQUIRED BY § 16-206 OF THIS TITLE;

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1 (7) LEGAL SERVICES, COURT COSTS, AND TRAVEL OR OTHER
2 ADMINISTRATIVE EXPENSES CONNECTED WITH AN ADOPTION, INCLUDING ANY
3 LEGAL SERVICES PERFORMED FOR A PARENT WHO CONSENTS TO THE ADOPTION
4 OF A MINOR OR RELINQUISHES THE MINOR TO AN AGENCY;

5 (8) EXPENSES INCURRED IN OBTAINING A PREPLACEMENT
6 EVALUATION AND AN EVALUATION DURING THE PROCEEDING FOR ADOPTION;
7 AND

8 (9) ANY OTHER SERVICE THE COURT FINDS IS REASONABLY
9 NECESSARY.

10 (B) A PARENT OR A GUARDIAN, A PERSON ACTING ON THE PARENT'S OR
11 GUARDIAN'S BEHALF, OR A PROVIDER OF A SERVICE LISTED IN SUBSECTION (A) OF
12 THIS SECTION, MAY RECEIVE OR ACCEPT A PAYMENT AUTHORIZED BY SUBSECTION
13 (A) OF THIS SECTION. THE PAYMENT MAY NOT BE MADE CONTINGENT ON THE
14 PLACEMENT OF A MINOR FOR ADOPTION, RELINQUISHMENT OF THE MINOR, OR
15 CONSENT TO THE ADOPTION. IF THE ADOPTION IS NOT COMPLETED, A PERSON WHO
16 IS AUTHORIZED TO MAKE A SPECIFIC PAYMENT BY SUBSECTION (A) OF THIS
17 SECTION IS NOT LIABLE FOR THAT PAYMENT UNLESS THE PERSON HAS AGREED IN A
18 SIGNED WRITING WITH A PROVIDER OF A SERVICE TO MAKE THE PAYMENT
19 REGARDLESS OF THE OUTCOME OF THE PROCEEDING FOR ADOPTION.

20 16-704.

21 SUBJECT TO THE REQUIREMENTS OF §§ 16-328 AND 16-329 OF THIS TITLE FOR
22 AN ACCOUNTING AND JUDICIAL APPROVAL OF FEES AND CHARGES RELATED TO AN
23 ADOPTION, AN AGENCY MAY CHARGE OR ACCEPT A FEE OR OTHER REASONABLE
24 COMPENSATION FROM A PROSPECTIVE ADOPTIVE PARENT FOR:

25 (1) MEDICAL, HOSPITAL, NURSING, PHARMACEUTICAL, TRAVEL, OR
26 OTHER SIMILAR EXPENSES INCURRED BY A MOTHER OR HER MINOR CHILD IN
27 CONNECTION WITH THE BIRTH OR ANY ILLNESS OF THE MINOR;

28 (2) A PERCENTAGE OF THE ANNUAL COST THE AGENCY INCURS IN
29 LOCATING AND PROVIDING COUNSELING SERVICES FOR MINOR ADOPTEES,
30 PARENTS, AND PROSPECTIVE PARENTS;

31 (3) LIVING EXPENSES OF A MOTHER FOR A REASONABLE TIME BEFORE
32 THE BIRTH OF A CHILD AND FOR NO MORE THAN 6 WEEKS AFTER THE BIRTH;

33 (4) EXPENSES INCURRED IN ASCERTAINING THE INFORMATION
34 REQUIRED BY § 16-206 OF THIS TITLE;

35 (5) LEGAL SERVICES, COURT COSTS, AND TRAVEL OR OTHER
36 ADMINISTRATIVE EXPENSES CONNECTED WITH AN ADOPTION, INCLUDING THE
37 LEGAL SERVICES PERFORMED FOR A PARENT WHO RELINQUISHES A MINOR CHILD
38 TO THE AGENCY;

39 (6) PREPARATION OF A PREPLACEMENT EVALUATION AND AN
40 EVALUATION DURING THE PROCEEDING FOR ADOPTION; AND

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1 (7) ANY OTHER SERVICE THE COURT FINDS IS REASONABLY
2 NECESSARY.

3 16-705.

4 (A) A PERSON, OTHER THAN A PARENT, WHO HAS A DUTY TO FURNISH THE
5 NONIDENTIFYING INFORMATION REQUIRED BY § 16-206 OF THIS TITLE, OR
6 AUTHORIZED FOR RELEASE UNDER SUBTITLE 6 OF THIS TITLE, AND WHO
7 INTENTIONALLY REFUSES TO PROVIDE THE INFORMATION IS SUBJECT TO A CIVIL
8 PENALTY NOT TO EXCEED \$5,000 FOR THE FIRST VIOLATION, AND NOT TO EXCEED
9 \$10,000 FOR EACH SUCCEEDING VIOLATION IN AN ACTION BROUGHT BY THE
10 APPROPRIATE OFFICIAL. THE COURT MAY ENJOIN THE PERSON FROM FURTHER
11 VIOLATIONS OF THE DUTY TO FURNISH NONIDENTIFYING INFORMATION.

12 (B) AN EMPLOYEE OR AGENT OF AN AGENCY, THE COURT, OR THE STATE
13 REGISTRAR OF VITAL RECORDS WHO INTENTIONALLY DESTROYS ANY
14 INFORMATION OR REPORT COMPILED PURSUANT TO § 16-206 OF THIS TITLE, OR
15 AUTHORIZED FOR RELEASE UNDER SUBTITLE 6 OF THIS TITLE, IS GUILTY OF A
16 MISDEMEANOR PUNISHABLE UPON CONVICTION BY A FINE OF NOT MORE THAN \$500
17 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

18 (C) IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTIONS (A) AND (B)
19 OF THIS SECTION, AN ADOPTIVE PARENT, AN ADOPTEE, OR ANY PERSON WHO IS THE
20 SUBJECT OF ANY INFORMATION REQUIRED BY § 16-206 OF THIS TITLE, OR
21 AUTHORIZED FOR RELEASE UNDER SUBTITLE 6 OF THIS TITLE, MAY MAINTAIN AN
22 ACTION FOR DAMAGES OR EQUITABLE RELIEF AGAINST A PERSON, OTHER THAN A
23 PARENT WHO PLACED A MINOR FOR ADOPTION, WHO FAILS TO PERFORM THE
24 DUTIES REQUIRED BY § 16-206 OF THIS TITLE OR SUBTITLE 6 OF THIS TITLE.

25 (D) A PROSPECTIVE ADOPTIVE PARENT WHO KNOWINGLY FAILS TO FURNISH
26 INFORMATION OR KNOWINGLY FURNISHES FALSE INFORMATION TO AN
27 EVALUATOR PREPARING AN EVALUATION PURSUANT TO SUBTITLE 2, PART II OF
28 THIS TITLE OR SUBTITLE 3, PART VI OF THIS TITLE, WITH THE INTENT TO DECEIVE
29 THE EVALUATOR, IS GUILTY OF A MISDEMEANOR PUNISHABLE UPON CONVICTION
30 BY A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 1
31 YEAR, OR BOTH.

32 (E) AN EVALUATOR WHO PREPARES AN EVALUATION PURSUANT TO
33 SUBTITLE 2, PART II OF THIS TITLE OR SUBTITLE 3, PART VI OF THIS TITLE AND WHO
34 KNOWINGLY OMITTS OR MISREPRESENTS INFORMATION ABOUT THE INDIVIDUAL
35 BEING EVALUATED WITH THE INTENT TO DECEIVE A PERSON AUTHORIZED UNDER
36 THIS TITLE TO PLACE A MINOR FOR ADOPTION IS GUILTY OF A MISDEMEANOR
37 PUNISHABLE UPON CONVICTION BY A FINE OF NOT MORE THAN \$500 OR
38 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

39 (F) A PARENT OF A MINOR CHILD WHO KNOWINGLY MISIDENTIFIES THE
40 MINOR'S OTHER PARENT WITH AN INTENT TO DECEIVE THE OTHER PARENT, AN
41 AGENCY, OR A PROSPECTIVE ADOPTIVE PARENT IS SUBJECT TO A CIVIL PENALTY
42 NOT TO EXCEED \$5,000 IN AN ACTION BROUGHT BY THE APPROPRIATE OFFICIAL.

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1 16-706.

2 (A) EXCEPT AS AUTHORIZED IN THIS TITLE, A PERSON WHO FURNISHES OR
3 RETAINS A REPORT OR RECORDS PURSUANT TO THIS TITLE MAY NOT DISCLOSE
4 ANY IDENTIFYING OR NONIDENTIFYING INFORMATION CONTAINED IN THE REPORT
5 OR RECORDS.

6 (B) A PERSON WHO KNOWINGLY GIVES OR OFFERS TO GIVE OR WHO
7 ACCEPTS OR AGREES TO ACCEPT ANYTHING OF VALUE FOR AN UNAUTHORIZED
8 DISCLOSURE OF IDENTIFYING INFORMATION MADE CONFIDENTIAL BY THIS TITLE
9 IS GUILTY OF A MISDEMEANOR PUNISHABLE UPON CONVICTION BY A FINE OF NOT
10 MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH, FOR
11 THE FIRST VIOLATION AND OF A FELONY PUNISHABLE UPON CONVICTION BY A
12 FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS,
13 OR BOTH, FOR EACH SUCCEEDING VIOLATION.

14 (C) A PERSON WHO KNOWINGLY GIVES OR OFFERS TO GIVE OR WHO
15 ACCEPTS OR AGREES TO ACCEPT ANYTHING OF VALUE FOR AN UNAUTHORIZED
16 DISCLOSURE OF NONIDENTIFYING INFORMATION MADE CONFIDENTIAL BY THIS
17 TITLE IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$5,000 FOR THE FIRST
18 VIOLATION, AND NOT TO EXCEED \$10,000 FOR EACH SUCCEEDING VIOLATION IN AN
19 ACTION BROUGHT BY THE APPROPRIATE OFFICIAL.

20 (D) A PERSON WHO MAKES A DISCLOSURE, THAT THE PERSON KNOWS IS
21 UNAUTHORIZED, OF IDENTIFYING OR NONIDENTIFYING INFORMATION FROM A
22 REPORT OR RECORD MADE CONFIDENTIAL BY THIS TITLE IS SUBJECT TO A CIVIL
23 PENALTY NOT TO EXCEED \$2,500 FOR THE FIRST VIOLATION, AND NOT TO EXCEED
24 \$5,000 FOR EACH SUCCEEDING VIOLATION IN AN ACTION BROUGHT BY THE
25 APPROPRIATE OFFICIAL.

26 (E) THE COURT MAY ENJOIN FROM FURTHER VIOLATIONS ANY PERSON WHO
27 MAKES OR OBTAINS AN UNAUTHORIZED DISCLOSURE AND SHALL INFORM ANY
28 APPROPRIATE LICENSING AUTHORITY OR OTHER OFFICIAL OF THE VIOLATION.

29 (F) IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTIONS (B)
30 THROUGH (E) OF THIS SECTION, AN INDIVIDUAL WHO IS THE SUBJECT OF ANY OF
31 THE INFORMATION CONTAINED IN A REPORT OR RECORDS MADE CONFIDENTIAL
32 BY THIS TITLE MAY MAINTAIN AN ACTION FOR DAMAGES OR EQUITABLE RELIEF
33 AGAINST ANY PERSON WHO MAKES OR OBTAINS, OR IS LIKELY TO MAKE OR OBTAIN,
34 AN UNAUTHORIZED DISCLOSURE OF THE INFORMATION.

35 (G) IDENTIFYING INFORMATION CONTAINED IN A REPORT OR RECORDS
36 REQUIRED BY THIS TITLE TO BE KEPT CONFIDENTIAL OR SEALED MAY NOT BE
37 DISCLOSED UNDER ANY OTHER LAW OF THIS STATE.

38 16-707.

39 THE DEPARTMENT MAY REVIEW AND INVESTIGATE COMPLIANCE WITH THIS
40 TITLE AND MAY MAINTAIN AN ACTION IN THE APPROPRIATE COURT TO COMPEL
41 COMPLIANCE.

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1 SUBTITLE 8. MISCELLANEOUS PROVISIONS.

2 16-801.

3 THIS TITLE SHALL BE APPLIED AND CONSTRUED TO EFFECTUATE ITS
4 GENERAL PURPOSE TO MAKE UNIFORM THE LAW WITH RESPECT TO THE SUBJECT
5 OF THIS TITLE AMONG THE STATES ENACTING IT.

6 16-802.

7 THIS TITLE MAY BE CITED AS THE MARYLAND UNIFORM ADOPTION ACT.

8 16-803.

9 IF ANY PROVISION OF THIS TITLE OR ITS APPLICATION TO ANY PERSON OR
10 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
11 PROVISIONS OR APPLICATION OF THIS TITLE WHICH CAN BE GIVEN EFFECT
12 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
13 PROVISIONS OF THIS TITLE ARE SEVERABLE.

14 16-804.

15 A PROCEEDING FOR ADOPTION COMMENCED BEFORE THE EFFECTIVE DATE
16 OF THIS TITLE MAY BE COMPLETED UNDER THE LAW IN EFFECT AT THE TIME THE
17 PROCEEDING WAS COMMENCED.

18 16-901.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) "Eligible child" means a minor child as to whom:

21 (1) guardianship with the right to consent to adoption has been awarded to
22 a child placement agency under Subtitle 3 of this title; and

23 (2) a determination has been made by a local department under [§ 5-403]
24 § 16-903 of this subtitle that a subsidy is necessary to assure the child's adoption because
25 of the child's special circumstances.

26 (c) "Local department" means a local department of social services of a county.

27 (d) "Subsidy" means:

28 (1) a money payment;

29 (2) medical care;

30 (3) medical assistance; or

31 (4) special services.

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1997.